



WESTMINSTER  
COLORADO

June 10, 2002  
7:00 P.M.

## CITY COUNCIL AGENDA

**NOTICE TO READERS:** City Council meeting packets are prepared several days prior to the meetings. Timely action and short discussion on agenda items is reflective of Council's prior review of each issue with time, thought and analysis given.

Members of the audience are invited to speak at the Council meeting. Citizen Communication (item 5) and Citizen Presentations (item 12) are reserved for comments on items not contained on the printed agenda.

1. Pledge of Allegiance
2. Roll Call
3. Consideration of Minutes of Preceding Meetings
4. Presentations
  - A. Government Officers Association Certificate of Achievement for Excellence in Financial Reporting
5. Citizen Communication (5 minutes or less)
6. Report of City Officials
  - A. City Manager's Report
7. City Council Comments

The "Consent Agenda" is a group of routine matters to be acted on with a single motion and vote. The Mayor will ask if any citizen wishes to have an item discussed. Citizens then may request that the subject item be removed from the Consent Agenda for discussion separately.

8. Consent Agenda
  - A. 2001 Comprehensive Annual Financial Report Acceptance
  - B. Custodial Services Contract Amendment
  - C. Owner's Representative Contract for Library and Fire Station No. 2 Projects
  - D. Replacement of a Utility Van
  - E. Change Order for City Hall Plaza Improvements
  - F. Standley Lake Renovation Project Award of Construction Bids
  - G. CB No. 23 re Waiver of Undergrounding for Della Villa Apts. (Dittman-Kauffman)
  - H. CB No. 24 re 2002 Budget Supplemental Appropriation (Dixon-McNally)
9. Appointments and Resignations
  - A. Resolution No. 33 re Reappointments to Personnel Board
10. Public Hearings and Other New Business
  - A. TABLED Resolution No. 32 re Council Rules Amendments
  - B. Public Meeting on 2003 and 2004 City Budget
  - C. East Bay Phase II Development Agreement with Brothers Redevelopment, Inc.
  - D. CB No. 25 re Supplemental Appropriation for Walnut Creek Trail
  - E. CB No. 26 re Supplemental Appropriation for Faversham Park
  - F. Resolution No. 34 re Ambulance Fee Schedule
  - G. CB No. 27 re 2002 Water Tap Fees and Waste of Water
  - H. CB No. 28 re 2002 Wastewater Tap Fees
11. Old Business and Passage of Ordinances on Second Reading
12. Citizen Presentations (longer than 5 minutes) and Miscellaneous Business
  - A. City Council
  - B. Executive Session
13. Adjournment

**GENERAL PUBLIC HEARING PROCEDURES ON NON-LAND USE MATTERS:**

Persons wishing to speak other than the applicant will be required to fill out a “Request to Speak or Request to Have Name Entered Into the Record” form indicating whether they wish to comment during the public hearing or would like to have their name recorded as having an opinion on the public hearing issue, may do so whether in favor or opposed. No specified order of those in favor or in opposition will be used. (Amended Res 45, 2000)

The presiding officer shall conduct the hearing in such manner as to provide for freedom of speech and expression of opinion of all persons speaking, subject only to the limits of courtesy and respect to other persons and their opinion as long as the subject is related to the public hearing notwithstanding the presiding officer has the authority to limit debate to a reasonable length of time to be equal for both positions.

Any person speaking may be questioned by members of Council or by the City Administration.

The presiding officer shall rule upon all disputed matters of procedure, unless, on motion duly made, he is overruled by a majority vote of Council members present. (Res. 39, 1984, 84, 1997)

CITY OF WESTMINSTER, COLORADO  
MINUTES OF THE CITY COUNCIL MEETING  
HELD ON MONDAY, JUNE 10, 2002 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

Mayor Moss led Council, Staff and the audience in the Pledge of Allegiance.

ROLL CALL

Mayor Moss, Mayor Pro-Tem Atchison, Councillors Dittman, Dixon, Hicks, Kauffman, and McNally were present at roll call. Brent McFall, City Manager; Sharon Widener, Assistant City Attorney; and Michele Kelley, City Clerk, were also present. Absent none.

CONSIDERATION OF MINUTES

Mayor Pro-Tem Atchison moved, seconded by Dittman to accept the minutes of the meeting of May 20, 2002 with no additions or corrections. The motion carried unanimously.

PRESENTATIONS

Mayor Moss presented the Government Finance Officers' Association's Certificate of Achievement for Excellence in Financial Reporting to Mary Ann Parrot, Cherie Sanchez, Vickie Adams, and Karen Creager.

CITIZEN COMMUNICATION

Chris Spahn, 9761 Meade St, addressed Council voicing his concerns about a fire engine out of service at Fire Station No. 2 that is causing increased dispatch time and increased response time within the City.

Robbie Baker, 9735 Iris St, asked Council about the proposed land trade with Jefferson County School District for a middle school at 100<sup>th</sup> Avenue and voiced his concerns about possible traffic problems.

JoAnn Reince, 1473 W 135<sup>th</sup> Pl, addressed Council on prairie dogs.

CITY MANAGER COMMENTS

Brent McFall, City Manager, mentioned the GFOA award presented to Finance and the 2001 Comprehensive Annual Financial Report both received an unqualified opinion, which means the auditors have no items of concern with the audits and the City's financial records meet all accounting standards.

CONSENT AGENDA

The following items were considered as part of the Consent Agenda: 2001 Comprehensive Annual Financial Report Acceptance; Custodial Services Contract Amendment; Owner's Representative Contract for Library and Fire Station No. 2 Projects; Replacement of a Utility Van; Change Order for City Hall Plaza Improvements; Standley Lake Renovation Project Award of Construction Bids; CB No. 23 re Waiver of Undergrounding for Della Villa Apts.; and CB No. 24 re 2002 Budget Supplemental Appropriation.

The Mayor asked if there was any member of Council or anyone from the audience who would like to have any of the consent agenda items removed for discussion purposes or separate vote. There was no request.

Councillor Hicks moved, seconded by Dittman to adopt the Consent Agenda items as presented. The motion carried unanimously.

RESOLUTION NO. 33 RE RESIGNATIONS TO PERSONNEL BOARD

Mayor Pro-Tem Atchison moved, seconded by McNally to adopt Resolution No. 33 making reappointments to the Personnel Board as follows: David Jones (Alternate Member), Wesley Underwood (Regular Member); and Stacy Worthington (Regular Member) with terms of office to expire December 31, 2003; and Margaret Rivera (Regular Member), and Betty Whorton (Regular Member), with terms of office to expire December 31, 2002. Upon roll call vote, the motion carried unanimously.

TABLED RESOLUTION NO. 32 RE COUNCIL RULES AMENDMENTS

Councillor Dittman moved, seconded by Atchison to remove Resolution No. 32 from the table. The motion carried unanimously.

Councillor Dittman moved, seconded by Atchison to waive the requirement in Part VII, Section 9 of the Council Rules for all amendments to be submitted in writing at the preceding regular meeting and adopt Resolution No. 32 amending Council Rules and Procedures. Upon roll call vote, the motion carried unanimously.

2003 AND 2004 BUDGET

Brent McFall, City Manager gave a brief introduction to Council and the public on the 2003 and 2004 budget process. The following citizens addressed Council: Robert Roome, 7272 Marshall Ct, Shane King, 5920 W 72<sup>nd</sup> Dr and Rex Harvey, 6610 W 72<sup>nd</sup> Dr, requested a sound/safety wall on the north side of 72<sup>nd</sup> Avenue from Depew to Pierce Streets and pedestrian crossing lights. Petitions were submitted with 86 signatures. JT and Patricia Thomas, 9215 Stuart St, requested a sound wall on 92<sup>nd</sup> Avenue from Lowell/Raleigh to City Hall, and submitted a petition with 18 signatures. Charles Sullivan, 2375W 118<sup>th</sup> Avenue, requested a sidewalk on the south side of 120<sup>th</sup> Avenue from Zuni Street east to the Ranch Commons and a retaining wall; Pat Crossen, 10607 Kipling Way, requested completion of 106<sup>th</sup> Avenue from Kipling Way to Oak Street; and Cliff Shoemaker, 10549 Kipling Pl, requested to include traffic calming on 106<sup>th</sup> Avenue. Mayor Moss called a recess at 8:20 P.M., Council reconvened at 8:48 P.M.

EAST BAY PHASE II DEVELOPMENT AGREEMENT

Councillor Dittman moved, seconded by Dixon to authorize the City Manager to sign the East Bay Phase II Development Agreement with Brothers Redevelopment, Inc. The motion carried unanimously.

COUNCILLOR'S BILL NO. 25 SUPPLEMENTAL APPROPRIATION FOR WALNUT CREEK TRAIL

Councillor Kauffman moved, seconded by Atchison to pass Councillor's Bill No. 25 on first reading appropriating \$14,700 for Walnut Creek Trail Improvements into the General Capital Improvement Fund. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 26 RE SUPPLEMENTAL APPROPRIATION FOR FAVERSHAM PARK

Councillor McNally moved, seconded by Hicks to pass Councillor's Bill No. 26 on first reading appropriating \$81,000 for Faversham Park Improvements into the General Capital Improvement Fund, increasing the total project budget to \$281,000. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 34 RE AMBULANCE FEE SCHEDULE

Councillor Hicks moved, seconded by McNally to adopt Resolution No. 34 establishing the new ambulance fee schedule and authorize the City Manager to adjust rates up to 10% annually. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 27 RE 2002 WATER TAP FEES AND WASTE OF WATER

Mayor Pro-Tem Atchison moved, seconded by Dixon to pass Councillor's Bill No. 27 on first reading implementing the 2002 modifications to the City Code regarding water tap fees and the introduction of language addressing waste of water.

Mayor Moss moved, seconded by McNally to amend Councillor's Bill No. 27 by deleting Sections 22 and Section 23 pertaining to waste of water. The amendment failed with dissenting votes from Atchison, Dittman, Dixon, and Hicks.

Upon roll call vote, the main motion carried with dissenting votes from Kauffman, McNally, and Moss.

COUNCILLOR'S BILL NO. 28 RE SEWER TAP FEES

Mayor Pro-Tem Atchison moved, seconded by Dixon to pass Councillor's Bill No. 28 on first reading implementing the 2002 modifications to the City Code regarding wastewater tap fees. Upon roll call vote, the motion carried unanimously.

CITIZEN COMMUNICATION

Chris Spahn, 9761 Meade St, continued his discussion with Council on Fire Department staffing and response times.

ADJOURNMENT:

The meeting was adjourned at 9:22 P.M.

ATTEST:

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Mayor

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City Clerk



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 10, 2002

**SUBJECT:** Certificate of Achievement for Excellence in Financial Reporting

**Prepared By:** Mary Ann Parrot, Finance Director

**Recommended City Council Action**

Mayor Moss will present the Government Finance Officers' Association's Certificate of Achievement for Excellence in Financial Reporting award to the Accounting Staff.

**Summary Statement**

The Mayor is asked to present, on behalf of the City Council, the Government Finance Officers' Association (GFOA) Certificate of Achievement for Excellence in Financial Reporting to Accountant Cherie Sanchez, Internal Auditor Karen Creager, Accounting Manager Tammy Hitchens, Accountant Vicki Adams, Accountant Ron Lay and Financial Analyst Bob Byerhof.

The City of Westminster has earned the Certificate of Achievement for Financial Reporting for its 2000 Comprehensive Annual Financial Report (CAFR). This is the eighteenth consecutive year the City has received this prestigious award from the Government Finance Officers Association.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**Policy Issues**

There are no policy issues with this action.

**Alternatives**

Not present the GFOA's Certificate of Achievement for Financial Reporting to Staff.

**Background Information**

The individual within the City who was most instrumental in achieving the Certificate for 2000 is Cherie Sanchez, Accountant. Cherie was in charge of the audit last year and brought the project in with an unqualified opinion, on schedule and on budget. Other Finance Staff who provided vital assistance include: Tammy Hitchens; Karen Creager; Vicki Adams; Ron Lay; Sherry Sparks; Kim McDaniel; Bob Byerhof, Financial Analyst; Cheryl Bilich, Administrative Secretary; Kathy Kvasnicka, Accounting Technician; and the rest of the Accounting Staff. Their efforts, under Cherie's direction, insured that the 2000 CAFR clearly communicated Westminster's financial story. The City should be justifiably proud of this continuing achievement and recognition.

The Certificate is conferred by the GFOA of the United States and Canada. This Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting and its attainment represents a significant accomplishment by a government and its management.

To satisfy the requirements of the Certificate program, a CAFR must be generally free of ambiguities and the potential for misleading inferences. In addition, the financial statements, supporting schedules, statistical tables and narrative explanations required for a Certificate help to assure the presentation of data necessary for analysis by the many user groups with an interest in the financial affairs of the City.

These groups include the City Council, the State Auditor's Office, investors and creditors, grant resource providers, taxpayers and others. Reports qualifying for a Certificate also provide a detailed vehicle by which market analysts, potential investors and others may assess the relative attractiveness of the City's securities compared to alternative investment opportunities. Westminster's report was evaluated by an impartial special review committee composed of government finance officers, independent CPAs, educators and others with particular expertise in governmental accounting and financial reporting from across the nation. The award acknowledges that Westminster fulfills the letter and the spirit of full disclosure of its financial records.

Respectfully submitted,

J. Brent McFall  
City Manager



## Agenda Item 8 A

**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

City Council Meeting  
June 10, 2002

**SUBJECT:** 2001 Comprehensive Annual Financial Report Acceptance

**Prepared By:** Mary Ann Parrot, Finance Director

#### Recommended City Council Action

Accept the 2001 Comprehensive Annual Financial Report (CAFR) of the City of Westminster as audited by Clifton Gunderson LLP.

#### Summary Statement

City Council has received copies of the CAFR for the year ended December 31, 2001 as prepared by the Finance Department and as examined by Clifton Gunderson LLP. At this time, the CAFR is submitted to City Council for acceptance.

The 2001 CAFR received an unqualified opinion from Clifton Gunderson LLP, the City's external auditors. An unqualified opinion indicates the financial data of the City is fairly presented according to generally accepted accounting principles. Additionally, Clifton Gunderson LLP issued a management letter commenting on the City's need to plan and prepare for the significant changes in financial reporting required by GASB Statement No. 34. A copy of this letter as well as Staff's response is presented for Council's review.

An Executive Summary prepared by City Staff is also attached to give Council an overview of the impact of GASB 34 on the reporting requirements of State and Local Governments.

**Expenditure Required:** \$0

**Source of Funds:** N/A



## **Policy Issues**

An independent audit, at least annually, is required by Section 9.10 of the City's Charter. Section 9.10 requires the City to prepare a financial report on an annual basis.

## **Alternatives**

1. Delay the acceptance of the CAFR. Unless the City Council has significant changes to make, this is not recommended. If the City Council desires to make changes, the CAFR acceptance can be delayed to June 24. Under state law, a copy must be filed with the Division of Local Government by July 1. No additional delays can be incurred.
2. Do not accept the CAFR. This is not recommended; at a minimum, it places the city in violation of state law.

## **Background Information**

The City Charter requires that an independent audit be conducted at least annually by certified public accountants selected by the City. In addition, the City Manager is required to prepare an annual report of the City, including a financial report. The City's outside auditors, Clifton Gunderson LLP, performed their examination and expressed an unqualified opinion on the financial statements for the year ended December 31, 2001.

The 2001 CAFR reflects a stable financial position consistent with information supplied to Council on a monthly basis throughout the year. As notes in the auditor's opinion, the CAFR fairly presents 2001 financial activity of the City of Westminster. Consideration by City Council for acceptance of the 2001 CAFR is requested.

This opinion is included as part of the CAFR. The CAFR is divided into four sections as follows:

1. Introductory Section: Pages 1 through 13 contain the Letter of Transmittal by the City Manager and Finance Director, which describes significant events of the City that occurred during the year and gives a summary of activity for 2001.
2. Financial Section:
  - a. General Purpose Financial Statements for the various fund types and account groups – pages 20 through 33. These statements provide an overview and broad perspective of the financial position and results of operations for the City as a whole in a standardized, generically labeled format. In addition, they are designed to be "liftable" from the financial section for inclusion in official statements or for widespread distribution.
  - b. Notes to the Financial Statements – pages 35 through 73. These are necessary for a fair presentation of the financial position and results of operations for the city in conformity with generally accepted accounting principles. The notes are an integral part of the financial statements and include a summary of the City's significant accounting policies.
  - c. Supplementary Information – pages 74 and 75. This information on the Volunteer Firefighter Pension Fund is required by the Governmental Accounting Standards Board.
  - d. Combining, Individual Fund and Account Group Financial Statements – pages 78 through 182. These pages present more detailed information than is presented at the overview level such as individual fund budgetary comparisons and prior year comparative data.
  - e. Local Highway Finance Report – pages 184 and 185. This report is required by the State of Colorado.

3. Statistical Section - Pages 187 through 205 contain Ten-year Historical Data and Additional Background on the City.
4. Single Audit Section – Pages 207 through 215 include reports and schedules Related to Federal Financial Assistance. This information is required by the U.S. Government under the provisions of the Single Audit Act of 1984 as amended.
5. Bond Disclosure Section - This section contains Information Regarding Municipal Bond Disclosure. This disclosure is required by the Securities and Exchange Commission, Rule 15c-12(b)(5) and is meant to supplement and complement information found other places in the CAFR.

The City's auditors, Clifton Gunderson LLP and Staff will attend the June 10 City Council meeting to answer questions.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

## Executive Summary

### GASB Statement No. 34 - Basic Financial Statements and Management's Discussion and Analysis for State and Local Governments

Prepared by: Ron Lay, C.P.A., City of Westminster  
Prepared for: City Council and Financial Managers  
Prepared on: July 20, 2000

#### Preface

In June 1999, the Governmental Accounting Standards Board (GASB) issued Statement No. 34, *Basic Financial Statements-and Management's Discussion and Analysis-for State and Local Governments*. The Statement requires state and local governments to retain much of the current financial reporting information, in addition to offering new and different financial data. According to the GASB, the Statement was developed to make annual reports easier to understand and more useful for people who use governmental financial information to make decisions (i.e. elected officials, investors, creditors, citizen groups and the public in general).

The summary has been prepared in a question-and-answer format to provide a practical overview of the key features of the new financial reporting model.

#### What is a financial reporting model?

A financial reporting model is the format or framework used to organize and present data in external financial reports. The external financial reports are comprised of three sections as follows:

- Financial Statements – Financial statements summarize the organizations accounting data.
- Notes to the Financial Statements – Notes to the financial statements are additional disclosures that accompany the financial statements. When the notes and financial statements are combined they are collectively known as the 'basic financial statements'.
- Required Supplementary Information (RSI) – Additional financial analysis supporting the 'basic financial statements' noted previously, required by regulatory bodies such as SEC, GASB, and others.

Because external users make financial decisions based on the content of financial reports, it makes sense that a set of criteria be established so that the user can rely on the information. These criteria are known as Generally Accepted Accounting Principles (GAAP) and are established by two governing boards, the GASB and the Financial Accounting Standards Board (FASB). The GASB is responsible for setting GAAP for state and local governments. The FASB is responsible for setting GAAP for private-sector business enterprises and not-for-profit organizations.

The financial statements and notes to the financial statements are the focus of the annual independent audit. The RSI falls outside of the scope of the audit; however, certain limited procedures are performed in regard to the RSI, such as inquiries of management regarding RSI content and presentation.

At the conclusion of the independent audit, the independent auditor will give an opinion as to whether or not the financial statements are fairly presented in conformity with GAAP. External users rely on this opinion.

### **How many “financial reporting models” are there, and what is the focus of those models?**

Currently, there are three financial reporting models; the governmental financial reporting model (public sector model), the business enterprise model (private sector models), and the not-for-profit model. The City uses the Governmental model. The measurement focus of each model is listed below:

- Governmental Financial Reporting Model – While unique, this model has many characteristics of the models listed previously because governmental entities display characteristics of both private sector and not-for-profit entities.
- Business Enterprise Model – The primary focus of the model is to measure the capital contributions of an entity. Capital contributions are directly associated with either investments in the entity by the owners/stockholders or from the net gain or loss incurred through operations.
- Not-for-Profit Model - The measurement focus of the model is to identify the use of funding and the availability of net assets. Net assets are classified as investment in capital assets, restricted and unrestricted.

### **What are the distinguishing characteristics of the current governmental financial reporting model as compared to the financial reporting model used for private-sector business enterprises?**

There are at least three key differences between the current governmental financial reporting model for state and local governments and the private sector business model. The three distinguishing characteristics are:

- Fund Accounting – In the private sector business model the financial statements are consolidated and focus on a single, unitary entity, even though the entity may be comprised of several complex business units. In contrast, the governmental financial reporting model has traditionally focused on the groupings of the governments various funds, rather than on the government “taken as a whole”. By segregating the various funds, the government can more effectively demonstrate legal compliance with respect to the use of the resources.
- Spending Focus for Tax-Supported Activities – As previously stated, the private-sector reporting model focuses on determining the change in net assets derived from stockholder transactions or net gains and losses incurred through operations. Governmental enterprise funds (Utility, Golf Course) measure performance in much the same way. In contrast, tax-supported governmental funds are more concerned with short-term financing by focusing on the current spendable resources rather than on long term changes in total resources.

- Budgetary Reporting – Unlike private-sector businesses, state and local governments are mandated to record their budgets and issue a report on how they varied (up or down) from budgeted amounts. Both entities normally prepare budgets; however, governments prepare a legally adopted budget, which must be adhered to.

### **What will be the most important changes to the current financial reporting model after implementation of GASB 34?**

In a summary such as this, it is impossible to include a comprehensive list of all of the changes that will result from the implementation of GASB Statement No. 34. Because of this, the most important changes are listed below.

- Government-Wide Reporting – The highest level of detail in the current governmental financial reporting model is the combined financial statements presented by fund type. The new financial reporting model retains this level of detail but also requires that governments report Government-Wide Financial Statements. This new requirement will focus on the overall government and will include a Statement of Net Assets and a Statement of Activities. The statement of net assets will be used to report the government's assets and liabilities and the statement of activities will focus on changes in the government's net assets.
- Focus on Major Funds – In the current governmental financial reporting model governments combine individual funds into one of seven fund classifications or fund types (i.e. general, special revenue, debt service, capital projects, enterprise, internal service and trust and agency funds). The combined financial statements report on these fund types rather than on individual funds. In the new governmental financial reporting model governments are required to report on *major individual funds* rather than on fund types. Once identified, major individual funds will be reported in the combined financial statements on a separate line and non-major funds will be aggregated in total.
- New Focus Added for Governmental Activities – As noted previously, financial reporting for governmental activities primarily focuses on current spendable resources rather than on changes in total resources. This focus will remain the same under the new reporting model for fund reporting. However, similar to the private sector reporting model, the focus of the government-wide financial statements will be on changes in total resources.
- Changes in Budgetary Reporting – Governments are currently required to include a budget-to-actual comparison as one of their basic financial statements. The budget figures currently used to prepare this statement are the sum of the original budget plus all budget amendments referred to as the final amended budget. There will be three changes to budgetary reporting in the new financial reporting model. First, budgetary comparisons will now include the original budget and final amended budget. Second, budget comparisons will be required for only the general fund and individual major special revenue funds. And thirdly, the statement is now considered required supplementary information (RSI). As noted previously, RSI is not considered a component of the basic financial statements and therefore is not included in the scope of the annual audit.

Note: GASB Statement No. 34 explicitly permits governments to include budgetary information as a basic financial statement, if they feel that it should be included in the scope of the annual audit.

- Requirement for a Narrative Analysis to Accompany the Basic Financial Statements – The new reporting model will require that the basic financial statements be accompanied by a narrative introduction and analytical overview of the governments financial activities. This narrative is referred to as the management’s discussion and analysis (MD&A). The MD&A is considered required supplementary information and should provide an objective and easy to read analysis of the government’s financial activities. The MD&A should include: comparisons between the current and prior year government-wide information; an analysis of the government’s overall financial position and results of operations; an analysis of significant changes that occur in funds and significant budget variances; a description of capital asset and long-term debt activity during the year; and it should conclude with a description of currently known facts, decisions, or conditions that are expected to have a significant impact on the government’s financial position or results of operations.

### **What are the key challenges of implementing the new financial reporting model?**

There will be lots of challenges to implementing the new governmental financial reporting model; however, I feel the items listed below will be the most significant.

- Infrastructure Reporting – The new reporting model requires state and local governments to record the value of infrastructure assets (e.g. roads, bridges and dams) in their basic financial statements. This change comes about because of the inclusion of the government-wide financial statements in the new reporting model. Specifically, GASB Statement No. 34 will require that all capital assets, including general infrastructure assets, be recorded in the financial statements at either historical cost or estimated historical cost. This policy will apply retroactively to all major general infrastructure assets that were acquired in fiscal years beginning after June 15, 1980, or that received major renovations, restorations, or improvements since that date. Recording these assets retroactively must be completed by the year ended December 31, 2006.
- Depreciation Accounting – Currently, state and local governments report non-infrastructure general capital assets in their financial statements; however, they have never been required to depreciate those assets. In the new governmental financial reporting model governments will be required to report depreciation expense for all capital assets, including infrastructure assets, in the government-wide financial statements.

Note: A government can avoid depreciating general infrastructure assets if they elect to use the modified approach. Two requirements must be met before the government can use the modified approach, as follows:

1. The government manages the eligible infrastructure assets using an asset management system that meets the following requirements:
  - a. Maintain an up-to-date inventory of those assets.
  - b. Perform condition assessments on those assets and summarize the results using a measurement scale.
  - c. Estimate each year the annual amount to maintain and preserve those assets at a level established and disclosed by the government.
2. The government documents that the eligible infrastructure assets are being preserved approximately at (or above) a condition level established and disclosed by the government. Furthermore, governments should document that:
  - a. Complete condition assessments of the eligible infrastructure assets are performed in a consistent manner at least once every three years.
  - b. The results of the three most recent condition assessments provide reasonable assurance that the eligible infrastructure assets are being preserved approximately at (or above) the condition level established and disclosed by the government.

If a government can legally elect to use the modified approach then eligible infrastructure assets are not depreciated; however, all expenditures made for those assets (except for additions and major improvements) should be expensed in the period incurred.

- Conversion of Data for Governmental Activities – Another challenge of implementing GASB Statement No. 34 will be converting the basis of accounting from the modified accrual basis (used to prepare the governmental fund financial statements) to the accrual basis in order to prepare the new government-wide financial statements. One example of this conversion would be removing capital outlays from the operating expenses (modified accrual) and reporting depreciation expense in its place (full accrual).

### **When do we have to implement GASB 34 reporting requirements?**

The implementation date for GASB Statement No. 34 varies depending on the government's size. Size, for this purpose, is based on total annual revenues of the primary government's governmental and enterprise funds. Based on the result, a government will be required to implement in one of three phases. The City of Westminster is included in Phase 1 and therefore will be implementing GASB Statement No. 34 for the year ending December 31, 2002. We will begin to keep GASB 34 records in January 2002 for auditing in year 2003. For your information the general guidelines of the implementation phases are listed below.

#### General Implementation:

- Phase 1 – Governments with total revenue of \$100 million or more will be required to implement GASB Statement No. 34 for fiscal years beginning after June 15, 2001.
- Phase 2 – Governments with total revenues of \$10 million or more, but less than \$100 million, will be required to implement GASB Statement No. 34 for fiscal years beginning after June 15, 2002.

- Phase 3 – Governments with total revenues less than \$10 million will be required to implement GASB statement No. 34 for fiscal years beginning after June 15, 2003.

In addition to phasing in implementation of the statement in general, GASB has set additional phases for the retroactive reporting of infrastructure assets.

Again, the City will be included in Phase 1 and, if early implementation is not achieved as desired, will need to report retroactively for infrastructure assets no later than December 31, 2006. The guidelines are identical to those listed above except for additional time has been allotted for implementation. For your information the implementation dates for retroactive reporting of infrastructure assets are included below.

Infrastructure Reporting:

- Phase 1 – Periods beginning after June 15, 2005.
- Phase 2 – Periods beginning after June 15, 2006.
- Phase 3 – Periods beginning after June 15, 2007.

### **Closing**

Hopefully, you have found this summary helpful in determining the ramifications of implementing GASB Statement No. 34 and, specifically, how it will affect our current financial reporting model. In addition to this summary, each of you will receive a copy of *An Elected Officials Guide to the New Governmental Financial Reporting Model* prepared by Stephen J. Gauthier. Feel free to contact the City's Accounting Department should you have any questions or concerns.





**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 10, 2002

**SUBJECT:** Custodial Services Contract Amendment

**Prepared By:** Jerry Cinkosky, Contract Services Coordinator

**Recommended City Council Action**

Authorize the City Manager to execute an additional one-year custodial services contract with KG Clean, Inc. and Carnation Building Services to provide custodial services for City of Westminster facilities. City Council action is also requested to authorize City Manager to execute an amended contract with KG Clean, Inc. and Carnation Building Services for a 3% reduction based on the recommendation of the City Manager and a finding that a negotiated contract for services best serves the public interest.

**Summary Statement**

City Council action is requested to authorize an additional one-year extension to the existing custodial services contract for KG Clean, Inc. and Carnation Building Services. In exchange for the additional one-year contract, both companies have agreed to reduce their contract price by 3% with no reduction in services. This would be retroactive to June 1, 2002, and extend through September 1, 2004.

**Expenditure Required:** None (estimated cost savings \$20, 991 over three years)

**Source of Funds:** General Services 2002 Operating Budget

**Policy Issue**

Should the City negotiate custodial services contracts for an extended one-year period of time beyond the standard three-year contract as a means of reducing operational costs?

**Alternative**

Continue with existing custodial service contracts through September 1, 2003, with no reduction in costs and no contract extensions, which would result in having to rebid custodial services contracts. Staff believes that it is unlikely other cleaning companies could provide the same level of service at a lower price than KG Clean, Inc. or Carnation Building Services based on historical data from previous custodial contract bidding processes.

**Background Information**

In July 1997, City Council awarded a custodial service contract to KG Clean, Inc. who was the low bid company competing with 12 other custodial firms. In 2000, Staff rebid custodial service contracts. KG Clean, Inc. was successful in retaining this contract by reducing their costs by 3%, again resulting in the low bid and by providing excellent customer service from 1997 through 2000.

Staff has used two custodial firms in the performance of custodial services in City facilities over the past several years. Staff has used two custodial firms to provide custodial services to City facilities in the event one of the companies is unable to perform its contractual responsibilities. Bids have been evaluated based on pricing and geographic locations within the City. Both KG Clean, Inc. and Carnation Building Services were low bids in 2000. KG Clean, Inc. presently provides custodial services at City Park Recreation Center, City Park Fitness Center, City Hall, Westminster Police Department, Westview Recreation Center, Countryside Recreation Center, Swim & Fitness Recreation Center, and Kings Mill Pool. The annual cost of this service contract is \$268,636. Carnation Building Services provides custodial services at the following locations: 76<sup>th</sup> Avenue Library, Municipal Court, Municipal Service Center Administration Building, Operations Building, and Fleet Maintenance for the annual contract amount of \$44,736.

As City Council is aware, City Staff has been reducing City expenditures as a result of projected shortfalls in sales tax revenues in 2002. As part of these efforts, Staff contacted KG Clean, Inc. and Carnation Building Services in an attempt to reduce costs associated with custodial services. Both firms were willing to work with the City by cutting 3% from their annual contract amount with no reduction in custodial services. In exchange for this reduction, KG Clean, Inc. and Carnation Building Services have requested an additional year be added to the existing custodial contract while maintaining the 3% reduction through the additional one-year of service. Both companies have been willing to reduce contract amounts based on the City's business being vital to their own business and the stability of cash flow for the additional year.

This cost reduction would amount to approximately \$5,442 for the remainder of 2002, \$9,329 for the year 2003, and \$6,220 for the additional year in 2004 (which represents January 1 through September 1, 2004). The continuation of this multi-year contract is contingent upon sufficient funds being budgeted in each year.

Staff believes it would not be beneficial at this time for the City to rebid custodial services and, therefore, a recommendation is made for an amendment to the existing contract for one additional year of custodial services, at the reduced contract cost.

Respectfully submitted,

J. Brent McFall, City Manager



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 10, 2002

**SUBJECT:** Owner's Representative Contract for Library and Fire Station No. 2 Projects

**Prepared By:** Alan Miller, Special Projects Coordinator

**Recommended City Council Action**

Authorize the City Manager to sign a contract with Architectural Resource Consultants, Inc. for Owner's Representative Services for the new Library and Fire Station No. 2 projects in an amount not to exceed \$116,206 with an allowance of \$5,800 for contingencies.

**Summary Statement**

- City Staff has completed the selection process to hire one Owner's Representative firm for both the new Library and Fire Station 2 projects and is recommending Architectural Resource Consultants, Inc. (ARC).
- ARC's proposed not to exceed a cost of \$116,206 was the lowest of the three firms interviewed for the project.
- City Staff believes that ARC is the best firm to hire for these two projects and have been very pleased with their work as the City's Owners Representative on the Public Safety Center.
- Some of the proposed Owner's Representative services include: a cost estimate at 50% design, meeting minutes, construction schedule review, pre-qualifying contractors, change order review, construction observation, pay application analysis, project cost monitoring and budget review.

**Expenditure Required:** \$116,206 plus a contingency of \$5,800

**Source of Funds:** New Library and Fire Station No. 2 project accounts in the General Capital Improvement Fund.

**Policy Issue**

Whether to hire an owner's representative firm for the new Library and Fire Station No. 2 construction projects.

**Alternative**

Do not hire an owner's representative firm for either one or both of the construction projects. The hiring of an owner's representative firm is Administrative Policy for construction projects that are in excess of \$3 million and that will contain spaces used by the public and/or employees.

**Background Information**

The new Fire Station No. 2 was first funded in the City's Capital Improvement Program in 1995. Over the years, funding has been added to point where there is \$2,760,000 to build this new facility. It is to consist of approximately 15,000 square feet with four drive through bays, sleeping quarters, training areas, kitchen and officer quarters. The facility will be located on a 1.5 acre site on Lowell Boulevard at about 91<sup>st</sup> Avenue.

The new library will be a branch library of about 15,000 square feet, located on an approximate five-acre site, on the southeast corner of 74<sup>th</sup> Avenue and Irving Street. The library and parking will occupy about 20 percent of the site with the remainder of the site to be developed as a park. The park is planned to be primarily passive with open landscaped areas for leisure activities. There will be a small playground, a picnic and multi-use shelter, horseshoe pits and a series of walkways throughout the site. The total library and park project budget is planned at \$5,000,000.

These two projects are being scheduled in parallel in order to allow for combined bidding to achieve lower overall costs. The same is true with the planned hiring of one owner's representative firm for both projects. Eight Requests for Qualification letters were sent out. Seven firms responded to the letter. Two firms were eliminated because they were significantly more expensive than the other firms. Two other firms were eliminated because they did not have adequate qualifications or submittals. The City, along with the architects, interviewed three firms. They were: Western Project Services Group, Diversified Construction Services, Inc., and Architectural Resource Consultants. Of these firms, Architectural Resource Consultants had the lowest proposed cost and the best overall proposal for the City's two projects.

Their range of fees for the proposed services is as follows:

Diversified Construction Services	\$155,000 - \$213,400
Western Project Services	\$148,104
Architectural Resource Consultants	\$116,206

City Staff is comfortable in recommending ARC because they are the City's owners representatives on the Public Safety Center and they have been performing very well on that project.

Respectfully submitted,

J. Brent McFall  
City Manager



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 10, 2002

**SUBJECT:** Replacement of a Utility Van

**Prepared By:** Richard Clark, Utilities Operations Manager  
Carl F. Pickett, Purchasing Specialist

**Recommended City Council Action**

Award the City of Westminster's bid for a Utility Van to the low bidder, Transwest Trucks.

**Summary Statement**

- City Council action is requested to award the City's Invitation for Bid for a Utility Van to the low bidder, Transwest Trucks.
- This vehicle will be used by the Utilities Division in the maintenance and repair of utility water lines.
- Utility Van replacement was previously approved by City Council with the adoption of the 2002 budget.

**Expenditure Required:** \$ 52,506

**Source of Funds:** Water Fund, Public Works and Utilities Department, Utilities Division budget.

**Policy Issue**

To follow standard bidding procedures and accept the low qualified bid from Transwest Trucks.

**Alternative**

Direct staff to reject the bid and not purchase the replacement Utility Van for the year 2002.

**Background Information**

As part of the 2002 budget, City Council approved the purchase of a replacement Utility Van. This vehicle is used for the maintenance and repair of water pipelines and other utility facilities. The unit is used to provide lights, compressed air and hydraulic power to the repair crew during repair projects. Unit #9373 has reached a point that it is no longer economically reasonable to maintain it in service in its current condition. Information regarding this vehicle replacement is as follows:

<b>UNIT #</b>	<b>YEAR PURCHASED</b>	<b>MAKE</b>	<b>MODEL</b>	<b>MILES</b>	<b>VEHICLE MAINTENANCE COSTS LIFE TO DATE (LTD)</b>
9373	1991	Chevy Step Van	C30	22,678	\$33,373.09

Thirty-nine vendors were notified of this Invitation for Bid through the City’s internet bidding system. Seven vendors downloaded the bid documents. One vendor submitted a bid.

<b>Vendor</b>	<b>Bid</b>
Transwest Trucks	\$52,506
O.J.Watson	No Bid
Village Auto Group	No Bid
Altec Industries	No Bid
Alfred Industries	No Bid
McCandless International Truck	No Bid
Cues	No Bid

All bidding requirements set by the City were fulfilled. The bid from Transwest Trucks meets all specifications and requirements set by the Invitation for Bid. The cost of the Utility Van, \$52,506, is within the amount previously approved by City Council for this expense.

The present condition and maintenance history of this vehicle would make it impractical to continue to operate it in regular service based on Fleet Maintenance replacement recommendations. The replacement unit is a heavier duty, diesel-powered unit, with a longer anticipated lifespan. Additional funds are contained in the budget to outfit the unit with an alternator, air compressor and hydraulic power unit.

Respectfully submitted,

J. Brent McFall  
City Manager



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 10, 2002

**SUBJECT:** Change Order for City Hall Plaza Improvements

**Prepared By:** Alan Miller, Special Projects Director  
Ray Porter, Infrastructure Improvement Manger

**Recommended City Council Action**

Authorize the City Manager to execute a change order to the 2002 Concrete Replacement Contract in the amount of \$86,000 with Citywide Enterprises, Inc. for repair and rehabilitation of the City Hall Plaza. Charge the expense to the appropriate project account in the General Capital Improvement Fund.

**Summary Statement**

- Funds have been allocated in the 2002 General Fund Capital Improvement Program Budget for repairs to the City Hall Plaza area.
- The original budgeted amount of \$350,000 provided for updating the design and for total reconstruction of the entire plaza area.
- Staff has determined that a \$250,000 savings could be realized through a scaled down repair and rehabilitation project.
- The alternative for rehabilitation has been investigated and a proposal obtained from Citywide Enterprises, Inc., the Department of Public Works and Utilities' contractor for the annual Concrete Replacement Project.
- Utilizing a more durable concrete mix design, replacing only the deteriorated sections, re-caulking all joints, replacing broken bricks, renovating brick steps and sealing the entire plaza area will provide many years of safe and functional service while requiring only normal routine maintenance.
- The contractor, Citywide Enterprises, Inc., and City Staff want to point out that the concrete color and caulking color can be matched so it blends with the existing concrete, but it will not be a perfect match.

**Expenditure Required:** \$86,000

**Source of Funds:** City Hall Renovation Project in the 2002 General Capital Improvement Fund

### **Policy Issue**

Should staff proceed with the least expensive rehabilitation strategy and accomplish the work early this summer or should the original plan to re-design and reconstruct the entire City Hall Plaza area be initiated, or should this project be further delayed to a future date.

### **Alternatives**

1. Proceed with an updated design and total reconstruction of the City Hall Plaza area at an estimated total cost of \$350,000.
2. Contract with Citywide Enterprises, Inc. to remove and replace all concrete slabs and brick in the City Hall Plaza area. Only re-install and repair as necessary the perimeter brick border, renovate steps and caulk and seal entire plaza area for an amount not to exceed \$175,000.

### **Background Information**

The 2002 Capital Improvement Program Budget includes \$350,000 in funding to provide design and reconstruction of the City Hall Plaza area. The construction of the new Public Safety Facility makes this an ideal time to improve the plaza to flow with the new companion facility.

Staff decided to first investigate rehabilitation strategies prior to initiating the design process for this project.

Staff is confident that through utilization of a high strength durable concrete mix design, matching the existing caulking and cement color and applying a high quality penetrating sealer, the plaza area can be successfully rehabilitated to an aesthetically pleasing and functional area for many years while requiring only normal routine maintenance. The cost for this work will be \$86,000. This allows a savings of \$250,000 from the original budget. Staff also plans to improve the conduit and power configuration on the plaza during this construction. It is expected that this will cost about \$5,000-\$10,000 depending on conditions when the concrete is removed. These improvements will allow for the better lighting of the City Hall carillon tower and City Hall plaza at a future date if it is decided this would be appropriate.

The Department of Public Works and Utilities, Infrastructure Improvements Division will work with the 2002 Concrete Replacement Project contractor, Citywide Enterprises, Inc., managing, coordinating and inspecting the City Hall Plaza Rehabilitation Project to assure quality workmanship and long lasting materials are provided. In addition, this would be coordinated with the work being completed on the Public Safety Center Plaza. These two projects will meet to create an overall coordinated project. Also as a result of this work, the security of the City Hall building will be improved as a result of installation of concrete benches blocking easy vehicle access to City Hall front entrance.

Respectfully submitted,

J. Brent McFall  
City Manager





## WESTMINSTER COLORADO

### Agenda Memorandum

City Council Meeting  
June 10, 2002

**SUBJECT:** Standley Lake Renovation Project Award of Construction Bids

**Prepared By:** Dan Strietelmeier, Senior Water Resources Engineer

### Recommended City Council Action

Authorize the City Manager to award the bid and to sign a contract for the Standley Lake Renovation project with the low bidder, ASI RCC Inc. and R.E. Monks Construction Company, LLC in the amount of \$10,216,403, one third of the contract amount; authorize a \$1,021,640 contingency amount; and charge the expense to the appropriate Utility Fund Standley Renovation Capital Program budget accounts.

### Summary Statement

- Bids were advertised locally and in several national publications. A total of six bids were opened on May 3.
- Bids were evaluated by the design team led by CH2M Hill, by Joe Cesare and Associates (Owner's Representative) and by the Board of Review.
- All three independent evaluations recommended awarding the construction contract to the lowest bidder, a joint venture between ASI RCC, Inc. and R.E. Monks.
- The City of Northglenn plans to request City Council approval on June 13 and Thornton will approve the contract administratively. Costs will be shared equally by the three cities.
- After a successful bidder has been approved, a notice to proceed is anticipated to be given and construction initiated in July.
- CH2M Hill, the design consultant, will provide construction management services for the project.
- The initial construction components will consist of excavation of an access shaft on the north side of the dam for drilling the new outlet tunnels. The new spillway excavation and placement of material on the berm will likely not occur until 2003 with project completion in 2004.
- At previous City Council Study Sessions, the upcoming issuance of \$20 million in variable rate Utility Revenue Bonds was discussed. The bonds will be used for the completion of the Northwest Water Treatment Facility and the renovation of Standley Lake Dam.

**Expenditure Required:** \$11,238,043

**Source of Funds:** A bond issue is scheduled for July and bond proceeds will be appropriated at that time and will be placed in the Utility Fund Capital Improvement Program budget accounts.

**Policy Issue**

Should the City award the contract for construction of the Standley Lake Dam Renovation project to the low bidder even though the bid contained minor discrepancies in accordance with the contract documents?

**Alternative**

Alternatives would include awarding the contract to another bidder or re-bidding the project to determine if lower bids would be submitted containing no variances or discrepancies with the contract documents.

**Background Information**

The Standley Lake Renovation Project includes construction of a new spillway, new outlet tunnels and additional berms along the downstream toe of the dam. Westminster, Thornton and Northglenn have planned renovation of the dam since the early 1980's. An internationally known panel of experts, or Board of Review, hired by the three Cities in the early 1990's recommended the current project components. The design phase began in 1999 and was completed by a team of consultants led by CH2M Hill. Other members of the design team include GEI, Rocky Mountain Consultants with Joe Cesare and Associates performing the owner's representative services.

Bids were advertised on March 11 and a mandatory pre-bid conference was held on April 8. The following sealed bids were received and opened on the May 3 due date:

1.	ASI/R.E. Monks	\$30,649,207.60
2.	Ric-Man	\$30,706,854.39
3.	Edward Kraemer & Sons	\$31,302,280.99
4.	SEMA	\$32,977,890.43
5.	AMES	\$33,176,590.00
6.	D. H. Blattner	\$34,421,870.00
	Engineer's Estimate of Cost	\$31,840,000.00

A bid cost tabulation was prepared by CH2M Hill for all of the bids. The tabulation offered a comparison of unit costs and other line items. The three low bids were also evaluated based on their responsiveness to the instructions to bidders contained in the contract documents. A more detailed evaluation of the low bidder was performed by CH2M Hill to determine bid responsiveness, whether or not the bid was balanced and the responsibility of the bidder. Bidder responsibility included evaluations of their financial capacity, past performance and qualifications.

Also evaluating the bids were Joe Cesare and Associates and the Board of Review. The three independent evaluations all came to the same conclusion that the low bidder was in substantial conformance with the bidding requirements and recommended awarding the bid to ASI/R.E. Monks. Each bidder was required to address specific qualifications in accordance with the contract documents. Both the low bidder and the second low bidder submitted generalized qualifications. Evaluation of the qualification information was difficult for the two low bidders due to lack of specific information in a few areas.

ASI/R.E. Monks has a great deal of experience in heavy earthwork, dam and spillway construction and repair. They received good references from owners on previous projects. R.E. Monks was the principal contractor for the construction of Fortune Reservoir located on Highway 72. Michels Pipeline Construction, the subcontractor who will be performing the tunneling work for the low bidder has impressive experience in the critical elements of construction for the project: tunneling, underwater tunneling machine retrieval and pipe-jacking.

Ric-Man, the second lowest bidder, submitted two letters of protest related to the specific technical qualifications of the low bidder. All three evaluations of the bids determined that the qualifications for the low bidder demonstrated adequate experience to execute the project. The variances contained in the low bid can be considered within the normal range of typical construction bids. The second and third low bids also contained some variances and inconsistencies. A letter has been sent to Ric-Man by the Cities informing them that the award process is proceeding. It is not known at this time as to whether Ric-Man will file a formal lawsuit over the bid selection.

Meetings were held over the last several years during the design phase with Community Oriented Governance (COG) teams, and Home Owners Associations representing the neighborhoods surrounding Standley Lake. Most questions from the public were concerning the schedule for construction and the type of renovation to be performed.

An Intergovernmental Agreement (IGA) was approved earlier this year by the Cities memorializing each City's commitment to both funding and completing the project. The three Cities have made a great deal of progress over the last several years working towards the goal of renovating Standley Lake Dam. With continued cooperation among the Cities and assuming no delays in the construction contract approval process, the project can be constructed during the recommended time frame protecting the safety and structural integrity of Standley Lake Dam.

Respectfully submitted,

J. Brent McFall  
City Manager



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 10, 2002

**SUBJECT:** Second Reading of Councillor's Bill No. 23 re the Waiver of Undergrounding Requirements for Della Villa Apartments

**Prepared By:** Melanie Walter, Senior Civil Engineer

**Recommended City Council Action:**

Pass Councillor's Bill No. 23 on second reading and full text ordered published this 10<sup>th</sup> day of June, 2002.

**Summary Statement**

- City Council action is requested to pass the attached Councillor's Bill on second reading which authorizes the waiver of the undergrounding requirements for the Della Villa Apartments
- This Councillor's Bill was passed on first reading on May 20, 2002.

**Expenditure Required:** \$ 0

**Source of Funds:** Not applicable

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **23**

SERIES OF 2002

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE WAIVING THE UNDERGROUNDING REQUIREMENT FOR THE DELLA VILLA APARTMENTS AT 4195 W. 72<sup>ND</sup> AVENUE

WHEREAS, certain architectural and site improvements are proposed by the Adams County Housing Authority for the benefit of the Della Villa Apartment residents; and

WHEREAS, there exist overhead utility lines along the 72<sup>nd</sup> Avenue frontage of Della Villa and extending through the property to service the buildings that must either be placed underground or have the requirement waived by City Council according to Section 11-6-3 (E) of the Westminster Municipal Code; and

WHEREAS, undergrounding of these lines will create a financial hardship for the Housing Authority that may result in a significant reduction of the proposed improvements to the apartment complex, such improvements being beneficial to the residents.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. City Council finds and determines that the public welfare requires the waiver of the requirement to underground overhead utility lines prescribed in Section 11-6-3 (E) of the Westminster Municipal Code.

Section 2. This ordinance shall take effect upon its passage after second reading. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 20<sup>th</sup> day of May, 2002. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 10<sup>th</sup> day of June, 2002.

ATTEST:

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Mayor

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City Clerk



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 10, 2002

**SUBJECT:** Second Reading of Councillor's Bill No. 24 re 2002 Budget Supplemental Appropriation

**Prepared By:** Karen Creager, Internal Auditor

**Recommended City Council Action**

Pass Councillor's Bill No. 24 on second reading providing for supplementary appropriations to the 2002 budget of the General Fund and General Capital Improvement Fund.

**Summary Statement**

- City Council action is requested to pass the attached Councillor's Bill on second reading which authorizes a supplemental appropriation to the 2002 budget of the General Fund and the General Capital Improvement Fund.
- This Councillor's Bill was passed on first reading on May 20, 2002.
- General Fund amendments total \$50,381.
- General Capital Improvement Fund amendments total \$44,847.

**Expenditure Required:** \$ 95,228

**Source of Funds:** The funding sources for these expenditures include various grants, donations, charges for services and interest earnings.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **24**

SERIES OF 2002

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE INCREASING THE 2002 BUDGETS OF THE GENERAL AND GENERAL CAPITAL IMPROVEMENT FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2002 ESTIMATED REVENUES IN THESE FUNDS.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2002 appropriation for the General Fund initially appropriated by Ordinance No. 2913 in the amount of \$69,324,181 is hereby increased by \$50,381 which, when added to the fund balance as of the City Council action on May 20, 2002 will equal \$72,642,537. The actual amount in the General Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of various grants, reimbursements, charges for services and sponsorships received by the City.

Section 2. The \$50,381 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Current Budget	Increase	Final Budget
<b>REVENUES</b>			
Miscellaneous Revenue 1000.43060.0000	\$160,000	\$1,875	\$161,875
Misc – Charges for Services 1000.41460.0000	0	13,072	13,072
Contributions 1000.43100.0000	5,000	31,000	36,000
State Grants 1000.40620.0000	0	3,934	3,934
Other County Grants 1000.40640.0000	0	<u>500</u>	500
Total Change to Revenues		<u>\$50,381</u>	
<b>EXPENSES</b>			
Career Development 10025260.61800.0000	\$24,900	\$1,783	\$26,683
Supplies 10025260.70200.0000	22,000	92	22,092
Salaries – Accounting 10015220.60200.0000	324,088	13,072	337,160
Materials-Library 10050620.71600.0000	367,000	500	367,500
Special Promotions 10030340.67600.0000	33,500	31,000	64,500
Temporary Salaries-Youth Act 10050760.60600.0529	94,900	1,000	95,900
Contractual Services-Youth Act 10050760.67800.0529	24,200	<u>2,934</u>	27,134
Total Change to Expenditures		<u>\$50,381</u>	

Section 3. The 2002 appropriation for the General Capital Improvement Fund, initially appropriated by Ordinance No. 2913 in the amount of \$10,305,000 is hereby increased by \$44,847 which, when added to the fund balance as of the City Council action on May 20, 2002 will equal \$15,023,960. The actual amount in the General Capital Improvement Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of interest earnings on the 2001 Certificates of Participation.

Section 4. The \$44,847 increase in the General Capital Improvement Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

<b>Description</b>	<b>Current Budget</b>	<b>Increase</b>	<b>Final Budget</b>
<b>REVENUES</b>			
Interest Income - 2001 COP's 7500.42520.0215	\$0	<u>\$44,847</u>	44,847
Total Change to Revenues		<u>\$44,847</u>	
<b>EXPENSES</b>			
Public Safety Building 80175020086.80400.8888	\$2,541,512	<u>\$44,847</u>	\$2,586,359
Total Change to Expenditures		<u>\$44,847</u>	

Section 5. – Severability. The provisions of this Ordinance shall be considered as severable. If any section, paragraph, clause, word, or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part shall be deemed as severed from this ordinance. The invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect the construction or enforceability of any of the remaining provisions, unless it is determined by a court of competent jurisdiction that a contrary result is necessary in order for this Ordinance to have any meaning whatsoever.

Section 6. This ordinance shall take effect upon its passage after the second reading.

Section 7. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED AND PUBLISHED this 20<sup>th</sup> day of May, 2002

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 10<sup>th</sup> day of June, 2002.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk





**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 10, 2002

**SUBJECT:** Resolution No. 33 re Reappointments to Personnel Board

**Prepared by:** Michele Kelley, City Clerk

**Recommended City Council Action**

Adopt Resolution No. 33 making reappointments to the Personnel Board.

**Summary Statement**

- City Council adopted Resolution No. 26 at the City Council meeting of May 13<sup>th</sup>.
- Within Resolution 26, the members of the Personnel Board to be reappointed were incorrectly listed, and therefore the members whose terms expire December 2002 were changed to expire December 2003 and the members whose terms expired December 2001 were not reappointed.
- The attached Resolution has been prepared to correct these errors.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

**Policy Issue**

Should City Council correct the error of not reappointing members of the Personnel Board, where the terms of office expired December 31, 2001.

**Alternative(s)**

Council could decide not to reappoint members to the Personnel Boards at this time.

**Background Information**

This error in Resolution No. 26 was realized when letters were drafted to advise Personnel Board members of their reappointment.

This resolution will correct the terms of office to reflect previous Council actions.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **33**

INTRODUCED BY COUNCILLORS

SERIES OF 2002

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CITY OF WESTMINSTER PERSONNEL BOARD REAPPOINTMENTS

WHEREAS, It is important to have each City Board or Commission working with its full complement of authorized appointees to carry out the business of the City of Westminster.

NOW THEREFORE, be it resolved that the City Council of the City of Westminster does hereby reappoint the following individuals to the Personnel Board of the City of Westminster as indicated below with the term of office to expire as stated.

<u>NAME</u>	<u>BOARD/COMMISSION</u>	<u>TERM EXPIRE</u>
David Jones (Alternate Member)	Personnel Board	December 31, 2003
Wesley Underwood (Regular Member)	Personnel Board	December 31, 2003
Stacy Worthington (Regular Member)	Personnel Board	December 31, 2003
Margaret Rivera (Regular Member)	Personnel Board	December 31, 2002
Betty Whorton (Regular Member)	Personnel Board	December 31, 2002

Passed and adopted this 10<sup>th</sup> day of June, 2002.

ATTEST:

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Mayor

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City Clerk



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 10, 2002

**SUBJECT:** TABLED Resolution No. 32 re Council Rules Amendments

**Prepared By:** Michele Kelley, City Clerk

**Recommended City Council Action**

Remove Resolution No. 32 from the table, waive the requirement in Part VII, Section 9 of the Council Rules for all amendments to be submitted in writing at the preceding regular meeting and adopt Resolution No. 32 amending Council Rules and Procedures

**Summary Statement**

- City Council and Staff recently reviewed the current Council Rules and Procedures to make some housekeeping changes to reflect current procedures, delete redundancy and make minor changes.
- Part V, Section 1, change deletes this section that is currently stated within the City Charter and is redundant to be stated within Council Rules and Procedures.
- Part VI, Section 1 is reworded to incorporate several sections into Section 1 delineating Council's authority to make appointments to committees .
- Part VII, Section 9 modifies the procedures for amendments to the Council Rules to be consistent with amendments to other resolutions and Council actions.
- Part VII, Section 10 allows Council members to determine where they will sit in Council Chambers, or have Council determine in the event of a disagreement.
- Part VII, Section 15 modifies the section to be more gender neutral.
- Part VII, Section 26 is requiring Council approval of more than 2 out of state trips per year, and requiring the Finance Department to review all travel reports and Council to determine matters of discrepancies.
- All of the suggested changes have been reviewed by Council at their recent retreat. And at the Study Session of June 3.
- City Council action is requested to adopt the attached Resolution, which amends the Council Rules and Procedures.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**Policy Issues**

Should the Council make changes to the Council Rules and Procedures?

**Alternative**

Council could decide not to adopt the attached Resolution, with Council reviewing proposed changes at a future date.

**Background Information**

The current City Council Travel Policy was adopted in March, 1994, revised in June, 2000 and in May, 2001.

Pursuant to Part VII, Section 9 of Council Rules and Procedures “These rules may be amended or new rules adopted by a majority vote of all members of the Council. Any such alteration or amendments shall be submitted in writing at the preceding regular meeting and shall be placed on the agenda under the order of new business. This requirement shall be waived only by unanimous consent of all members of Council.”

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

## RESOLUTION

RESOLUTION NO. **32**

INTRODUCED BY COUNCILLORS

SERIES OF 2002

---

### A RESOLUTION AMENDING COUNCIL RULES AND PROCEDURES

NOW, THEREFORE, be it resolved, by the City Council of the City of Westminster that the Council rules are hereby amended as follows:

#### **PART V - OFFICERS AND EMPLOYEES ATTENDANCE**

~~1. **ADMINISTRATIVE SERVICE: (CITY CHARTER SECTION 4.6)** The Administrative officers of the City of Westminster shall be selected in conformance with the City Charter, the City Manager and the City Attorney shall be selected by majority vote of the Council members.~~

**2 1. ATTENDANCE:** The City Manager, City Clerk and City Attorney, or a qualified representative appointed by such officer shall be in attendance at the Council meeting. Such representative shall assume the duties of the absent officer.

The head of any department, or any officer or employee of the City, when requested by the City Manager, shall attend any regular, adjourned, or special Council meeting.

~~3- 2. **SERGEANT-AT-ARMS:** The Chief of Police, or his representative, shall upon request of the Mayor or Council, maintain the peace in the Council Chambers.~~

#### **PART VI - COMMITTEES**

**1. COMMITTEES - HOW APPOINTED:** THE COUNCIL SHALL APPOINT FROM TIME TO TIME SUCH REPRESENTATIVES AS IT DEEMS APPROPRIATE TO ANY BOARDS, COMMITTEES, TASK FORCE, COMMISSIONS, INTERGOVERNMENTAL ORGANIZATIONS OR OTHER BODIES, INCLUDING LIAISONS TO THE CITY'S BOARDS AND COMMISSIONS, TO REPRESENT THE CITY COUNCIL'S POSITION AS MAY BE REQUIRED. NO PERSON SHALL ACT OR SERVE AS A REPRESENTATIVE OF THE CITY WITHOUT COUNCIL APPROVAL. The Mayor- COUNCIL MAY, CONSISTENT WITH THE CITY CHARTER, ~~shall appoint~~ ESTABLISH from time to time such special or select committees ~~as in his/her discretion deems desirable, or as may be desired by the Council to ASSIST OR expedite the handling of the business and affairs of the City. The Mayor~~ COUNCIL shall appoint the member who is to serve as Chairperson of the committee. THE CLERK OR A DESIGNATED ASSISTANT SHALL ACT AS SECRETARY TO SUCH SPECIAL OR SELECT COMMITTEES AS DIRECTED BY THE COUNCIL.

**2. REPORTS:** Whenever possible upon request of Council, committee reports shall be in writing. Documents referred to the committee shall be returned with the report.

~~3. **SECRETARY TO COMMITTEES:** The Clerk or a designated assistant shall act as secretary to special committees as directed by the Mayor.~~

~~4. **COUNCIL TO APPOINT:** The Council shall appoint from time to time such representatives as it deems appropriate to any boards, committees, task force, commissions, intergovernmental organizations or other bodies, including the City's Boards and Commissions to serve as liaison between such body and the City Council and to represent the City Council's position as may be required. No person shall act or serve as a representative of the City without Council approval.~~

## PART VII - MISCELLANEOUS

**9. AMENDMENT OF RULES:** These rules may be amended or new rules adopted by a majority vote of all members of the Council. Any such alteration or amendments shall be submitted in writing AND ADOPTED BY RESOLUTION ~~at the preceding regular meeting and shall be placed on the agenda under the order of new business.~~ This requirement shall be waived only by unanimous consent of all members of Council.

**10. SEATING ARRANGEMENT:** Members shall occupy their respective seats in the Council Chamber AS THEY SHALL AGREE, OR AS DETERMINED BY MAJORITY VOTE IN THE EVENT OF DISAGREEMENT. ~~assigned to them by the Mayor.~~

**15. PERSONAL PRIVILEGE:** The right of a member to address the Council on a question of personal privilege shall be limited to cases in which his OR HER integrity, character, or motives are assailed, questioned, or impugned.

**26. CITY COUNCIL TRAVEL POLICY** ~~The Travel Policy of the Westminster City Council, as it relates to Councillors and their spouses, is hereby updated to read as follows:~~

### A. EXPENSE COVERAGE

City Council will establish out of state travel expenses for all Council members as part of the budget adoption each year. ANY OUT OF STATE TRAVEL BEYOND 2 SUCH TRIPS IN A CALENDAR YEAR SHALL REQUIRE THE APPROVAL IN ADVANCE OF A MAJORITY OF THE OTHER MEMBERS OF COUNCIL.

Transportation: Normally, out-of-City travel shall be by commercial airline. Air coach and special rates shall be utilized whenever possible. If driving to a conference, using your personal car, Councillors can be reimbursed at the per mile rate in effect for employees. However, the total reimbursement shall not exceed the amount that would have been expended if the Councillors had used available airline service and economical ground transportation to the conference. Full reimbursement shall be made for round trip transportation for the Councillors' travel expense.

Lodging: Lodging shall be fully reimbursable. If attending a formal conference, lodging will normally be at the conference or headquarters hotel, or comparable facilities, which are nearby. If the Councillor's spouse is attending the conference, the Councillors shall be responsible for the differential on the daily room rate for double occupancy.

Meals: All meal expenses shall be fully reimbursable for the Councillor during the conference or out-of-town meeting.

Miscellaneous Expenses: Generally, any reasonable business expense incurred because a Councillor is traveling for the City shall be fully reimbursable. ALL COUNCIL MEMBERS ARE EXPECTED TO KEEP ALL SUCH EXPENSES TO A REASONABLE LEVEL, BASED UPON THE COST OF ACCOMMODATIONS, MEALS AND SIMILAR EXPENSES OF THE PARTICULAR LOCALE BEING VISITED.

Travel With Spouse: If Councillors are attending a conference where it is common for the spouse to accompany, and which has a program for the spouse, the spouse conference registration will be reimbursable. All other expenses of the spouse will be the personal expense of the Councillor.

## B. ADVANCES

Council members may draw a cash advance from the City in anticipation of expenses to be incurred , or, as an alternative, Councillors may charge the expense to their City issued credit card. No cash advance will exceed \$200 per individual request. No cash advances will be processed unless expense reports from all previous trips involving cash advances and credit card purchases have been cleared. Any outstanding expense advance/credit card purchases not cleared before the Councillor's term expires will be withheld from the final paycheck of the Councillor.

## C. EXPENSE REPORTS

THE MAYOR AND ALL CITY Councillors shall file a report for all trip related expenses within one week upon return from the trip. The completed expense report shall be submitted to the City Manager's Office for processing. Receipts for expenses of \$25.00 and greater shall be attached to the form. THE FINANCE DEPARTMENT SHALL REVIEW ALL SUCH EXPENSE REPORTS FOR MATHEMATICAL ACCURACY, AND SHALL IDENTIFY ANY ITEMS THAT DO NOT APPEAR TO BE IN CONFORMANCE WITH THE CITY'S TRAVEL POLICY FOR CITY EMPLOYEES. IF ANY DISCREPANCIES ARE OBSERVED, THE SAME WILL BE BROUGHT TO THE ATTENTION OF THE SUBMITTING PARTY FOR CORRECTION. IF THE SUBMITTING PARTY DISAGREES WITH ANY ITEM IDENTIFIED BY THE FINANCE DEPARTMENT, THE OTHER MEMBERS OF COUNCIL SHALL DETERMINE THE MATTER.

City Councillors shall file their travel expenditure reports in a timely fashion within one week upon return from the respective trip. If compliance is not realized, the subject City Councillor shall not be allowed to travel at city expense on future trips until such time as all reports are filed, reconciled and any balances are rectified where either the Councilmember owes the City or the City Councilmember is owed reimbursement by the city.

City Councillors who use City issued credit cards shall not be allowed to make charges against said credit card when there are any outstanding City travel expenditure reports from the subject City Councillor. Use of such City credit cards shall be held in abeyance until all travel expenditure reports have been submitted, audited and any balance due the City by the City Councillor is resolved.

City staff shall provide a monthly summary to all members of City Council reflecting the status of travel expenditure reports which are due as well as indicating the status of audits conducted by finance department staff with any deficiencies in documentation so noted.

~~The Mayor shall approve expense reports of Councillors. The Finance Department shall audit the expense report for mathematical accuracy.~~

In the event Councillors travel as a group, occupy the same hotel and/or have meals together, a claim covering all expenses for all members may be filed in lieu of individual accounting.

Passed and adopted this 10<sup>th</sup> day of June, 2001.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk





**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 10, 2002

**SUBJECT:** Public Meeting on 2003 and 2004 City Budget

**Prepared By:** Barbara Gadecki, Assistant to the City Manager

**Recommended City Council Action**

Hold a public meeting on the 2003 and 2004 City Budget and receive citizen comments.

**Summary Statement**

City Staff will be preparing budget information for both 2003 and 2004, and this meeting is intended to focus on both 2003 and 2004 citizen requests, comments and suggestions. The public meeting is an informal opportunity for the public to provide input to the City Council on the City Budget.

City Council preliminarily approved the 2003 Budget with the formal adoption of the 2002 Budget in October 2001. Departments review and make minor modifications to the preliminarily approved 2003 Budget through the summer, working to revise their proposed budgets to reflect the current economic downturn, which has significantly impacted revenues and will impact City services. The Departments' efforts culminate in the distribution of the Proposed Budget to City Council at the end of August. A second public meeting is scheduled for July 8 and a public hearing is scheduled for September 9 so that citizens will have two more opportunities to comment and provide feedback on the 2003 and 2004 City Budget. City Council must adopt the budget by the October 28 City Council meeting, in accordance with the City Charter.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**Policy Issue**

Listen to citizen requests, comments and suggestions as it pertains to the 2003 and 2004 budgets.

**Alternative**

Not conduct a public meeting at this time.

**Background Information**

In April, City Council identified the goals for 2003 and 2004. The City Council Goals are listed below:

- Financially Sound City Government
- Balanced, Sustainable Local Economy
- Revitalized Aging Neighborhoods and Commercial Areas
- Beautiful City – Attractive Developments, Green Spaces and Vistas
- Safe and Secure Community

The direction provided by City Council assists City Staff as they review and modify the preliminarily approved 2003 City Budget and prepare the 2004 City Budget. Other considerations that go into developing a comprehensive budget are department priorities that strive to maintain existing service levels and citizen or neighborhood input.

Through the summer, departments review and make minor modifications to the preliminarily approved 2003 and proposed 2004 Budget to best maintain existing service levels and address citizen or neighborhood input on services. Departments are currently working to revise their proposed budgets to reflect the current economic downturn, which has significantly impacted revenues and will impact City services. More details on the impact on City services will be reviewed with City Council starting in July.

In November of 2000, Westminster voters approved a City Charter amendment that will allow the City Council to adopt a formal two-year budget. Staff has been preparing a two-year budget for the last several years; however, previously City Council could only officially adopt the first year of the two-year budget. In February 2002, City Council concurred with Staff to pursue an officially adopted two-year budget with the development of the 2003/2004 Budget.

A Proposed Budget will be submitted to City Council at the end of August for review. After reviewing the Proposed Budget for several weeks, City Council is scheduled to meet in September at the Budget Retreat to deliberate on final funding decisions on staffing levels, programs, services, and capital projects.

Two public meetings and one formal public hearing will be held on the 2003 and 2004 Proposed City Budget to solicit citizen input. The public meetings are scheduled for June 10 and July 8 and public hearing is scheduled for September 9.

Monday's public meeting was advertised in the *Westminster Window*, *Westsider*, and *City Edition*; on cable Channel 8 and the City's website; and at various public meetings.

Respectfully submitted,

J. Brent McFall  
City Manager



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 10, 2002

**SUBJECT:** East Bay Phase II Development Agreement with Brothers Redevelopment, Inc.,

**Prepared By:** Tony Chacon, South Westminster Revitalization Coordinator

**Recommended City Council Action**

Authorize the City Manager to sign the East Bay Phase II Development Agreement with Brothers Redevelopment, Inc.

**Summary Statement**

- At City Council Study Session on April 15, 2002, Council directed staff to develop an agreement with Brothers Redevelopment, Inc. (BRI), to outline the terms and conditions under which the City would defer certain development fees associated with developing Phase II of their senior housing community, East Bay at Hidden Lake, located on 68<sup>th</sup> Avenue just west of Lowell Boulevard.
- BRI has been approved by the City to build Phase II of the project, which will consist of 33 townhouses and 26 condominiums, to be sold and retained as senior units. Sales prices for the townhouses will range from \$180,000 to the low \$200,000 range. The condos will sell for \$100,000 to \$150,000.
- The total amount proposed to be deferred per the Development Agreement is \$272,851 comprised of:
  - Development Fees/Use Tax: \$120,851
  - Tap credits: \$85,000
  - Park Development Fees: \$67,000
- The request does not constitute a “subsidy” but rather serves as an equity position in the project that would be completely or substantially repaid upon completion of the project.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**Policy Issues**

Would the City be establishing a precedent or expectation by deferring development related fees and use tax, whereby the development community would expect to be eligible for similar incentives relative to any residential development throughout the City?

Should the City establish a policy for the deferment or waiving of certain City related development fees when the project produces affordable housing units?

**Alternatives**

City Council could choose to defer only a portion of the fees and use tax or choose not to provide any incentives as requested by Brothers Redevelopment, Inc.

**Background Information**

Brothers Redevelopment, Inc., has been working with U.S. Bank to provide a construction loan for the project. U.S. Bank has indicated an interest in providing a financial package contingent upon BRI providing a sufficient level of equity of \$1 to \$1.3 million. Given BRI's non-profit status, their ability to fully provide the required equity on their own is limited. BRI has agreed to secure the loan with the land, currently valued at \$600,000, and other smaller considerations, which are acceptable to the bank. This amount, however, is insufficient to cover the full equity requirement. As such, BRI has further received permission from the bank to apply any agreed to fee and tax deferments towards its equity position. Accordingly, BRI approached the City to determine the feasibility of pursuing such considerations that resulted in the attached East Bay Phase II Development Agreement between the City and BRI.

A copy of the April 15, 2002 Staff Report is attached to provide additional background on this proposed development agreement.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

**Brothers Redevelopment, Inc.  
East Bay Phase II  
Development Agreement**

This agreement entered into this \_\_\_\_\_ day of \_\_\_\_\_ 2002, by and between the City of Westminster (City) and Brothers Redevelopment, Inc. (BRI).

WHEREAS, BRI is a State approved federally sanctioned 501(c) 3 Non Profit Housing Provider who delivers a variety of housing related services to modest income families residing across the State of Colorado, including residents of the City of Westminster; and,

WHEREAS, BRI is the owner of the property described hereto (the "Property"):

(See Exhibit "A")  
Legal Description East Bay Phase II

; And,

WHEREAS, the property has been properly annexed into the City of Westminster and rezoned for a Planned Unit Development in accordance with development plans dated 06/01/01; and,

WHEREAS BRI has determined the Property would be suitable for the development of Adult Empty Nester Home Ownership housing; and, the development of such housing would compliment the adjoining East Bay at Hidden Lake Senior Apartment complex; and, provide additional home ownership housing opportunities, for which BRI has secured construction financing; and,

WHEREAS the City of Westminster has determined that the immediate area in proximity to the site is subject to blighted conditions, and as such has been designated as an urban renewal area; and,

WHEREAS, the City's adopted South Westminster Strategic Revitalization Plan specifies the use of regulatory and financial assistance to encourage new residential development; and,

WHEREAS, the City and BRI agree there would be mutual benefit to be realized from development of the Property, as proposed; and,

WHEREAS, the City and BRI jointly support this effort and wish to set forth the terms, under which, the City will provide certain financial considerations to BRI in order to proceed with the development of this project.

NOW, THEREFORE, in consideration of the above premises, covenants, promises, and agreements set forth below, and for other good and valuable consideration, the receipt and adequacy, of which, is hereby acknowledged, the parties hereby agree as follows:

1. The City shall defer certain City levied development-related fees and taxes related to development of East Bay Phase II, limited to the following:
  - a. Building Permit Fees (including plan review fees);
  - b. Building Use Tax;
  - c. Park Development Fee;

2. Terms by which payment of the deferred fees to the City shall be determined and payment shall commence no later than three months following the issuance of the last Certificate of Occupancy permit related to the last unit to be constructed on the site as defined on the approved development plan referenced above.
3. The final amount of the deferment to be paid shall be the lesser of 100% of the accumulated amount of the associated fees and taxes or 50% of the project's "surplus" financial proceeds, which shall be defined as the balance resulting from home sales less all direct development related expenses incurred by BRI.
4. Notwithstanding the above provision, in the event the City and BRI agree to proceed with a third phase of the East Bay at Hidden Lake project involving the acquisition of the adjacent or another mutually agreed property, the City agrees to contribute the amount as established by subsection 3 of this agreement toward such acquisition(s) in lieu of repayment of the fees and taxes to the City. BRI shall provide the City with a verifiable financial certification, prepared by an independent financial auditor, of the project's finances within 60 days of the issuance of the last Certificate of Occupancy permit from which the City will quantify the payment due to the City.
5. The City hereby issues the necessary "water service commitments" necessary to complete Phase II of the East Bay project in concurrence with the City's Growth Management Plan. Further, BRI shall receive credit for 15 townhouse/condo service commitments to be used in conjunction with the development. In the event the project does not proceed, is terminated, or is conveyed to another party, the balance of the credits not used shall revert to the City. The credits shall not be assigned to other parties without consent of the City.

CITY OF WESTMINSTER

BROTHERS REDEVELOPMENT, INC.

\_\_\_\_\_  
 Brent McFall  
 City Manager

\_\_\_\_\_  
 Joe Giron  
 President

ATTEST:

\_\_\_\_\_  
 City Clerk

\_\_\_\_\_  
 Notary Public

(See Exhibit "A")  
Legal Description East Bay Phase II



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 10, 2002

**SUBJECT:** Councillor's Bill No. 25 re Supplemental Appropriation for the Walnut Creek Trail

**Prepared By:** Brad Chronowski, Landscape Architect II

**Recommended City Council Action**

Pass Councillor's Bill No. 25 on first reading, appropriating \$14,700 for Walnut Creek Trail Improvements into the General Capital Improvement Fund.

**Summary Statement**

- Colorado State Parks provides grant money in statewide to assist municipalities with trail improvements through the State Trails Program.
- In November 2001, the Department of Parks, Recreation and Libraries applied for a grant to enhance scheduled improvements along the Walnut Creek Trail corridor.
- The Land and Trails Program Manager awarded the City of Westminster \$14,700 toward improvements along the Walnut Creek Trail corridor through the State Trails Program for 2002.
- The Parks, Recreation and Libraries Department has already allocated \$24,500 in 2002 for capital improvements on the Walnut Creek Trail system using the Trail Improvements project in the General Capital Improvement Fund.
- The \$24,500 budget for the Walnut Creek Trail System has been designated as matching funds for this joint venture project. With grant proceeds, the budget now becomes \$39,200.
- Construction for the improvements will begin in 2002.

**Expenditure Required:** \$ 14,700

**Source of Funds:** Parks, Recreation and Libraries Trail Improvement project in the 2002 General Capital Improvement Fund



**SUBJECT:** Councillor's Bill re Supplemental Appropriation for the Walnut Creek Trail – Page 2

### **Policy Issues**

- Does City Council wish to proceed with additional improvements to the Walnut Creek Trail System?
- Should the City increase the General Capital Improvement Fund budget by \$14,700 by appropriating funds for Trail Improvements and accept a grant of equal amount from Colorado State Parks?

### **Alternative**

City Council could choose not to accept the grant from Colorado State Trails and continue with improvements to the Walnut Creek Trail System using the existing budget of \$24,500. Staff recommends, however, that the opportunity be taken to increase the project scope without increasing the City's funding allocations. Utilization of grant money for this project would significantly enhance the project scope along the Walnut Creek Trail corridor.

### **Background Information**

The Department of Parks, Recreation and Libraries has been successful in receiving and implementing grants from Colorado State Parks. Currently, the City of Westminster is implementing a grant from Colorado State Trails in the amount of \$45,000 for improvements along the Big Dry Creek Trail corridor.

In the region along Walnut Creek west of Wadsworth Parkway, the Department of Parks, Recreation and Libraries intends to improve the trail system by extending the trail eastward from its current terminus toward Wadsworth Parkway. This extension will require one pedestrian bridge and approximately 2,000 lineal feet of crusher fines (soft surface) trail. Utilization of a \$14,700 Jefferson County Open Space grant would increase the project budget to \$39,200 in 2002 and allow the addition of 1,500 lineal feet of trail to the project.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **25**

SERIES OF 2002

INTRODUCED BY COUNCILORS

A BILL

FOR AN ORDINANCE INCREASING THE 2002 BUDGET OF THE GENERAL CAPITAL IMPROVEMENTS FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2002 ESTIMATED REVENUES IN THE FUND

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2002 appropriation for the General Capital Improvements Fund, initially appropriated by Ordinance 2913 in the amount of \$10,305,000 is hereby increased by \$14,700, when added to the fund balance as of the City Council action on June 10, 2002, will equal \$15,074,813. The actual amount in the General Capital Improvements Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of a Colorado State Trails Program grant for the improvements along the Walnut Creek Trail corridor.

Section 2. The \$14,700 increase in the General Capital Improvements Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

<u>Description</u>	<u>Current Budget</u>	<u>\$ Increase</u>	<u>Final Budget</u>
<u>REVENUES</u>			
State Grants 7501.40620.0000	\$0	<u>\$14,700</u>	\$14,700
Total Revenue		<u>\$14,700</u>	
<u>EXPENSES</u>			
Trails Development 80175050135.80400.8888	\$1,066,090	<u>\$14,700</u>	\$1,080,790
Total Expenses		<u>\$14,700</u>	

Section 3. Severability. The provisions of this Ordinance shall be considered as severable. If any section, paragraph, clause, word, or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part shall be deemed as severed from this Ordinance. The invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect the construction or enforceability of any of the remaining provisions, unless it is determined by a court of competent jurisdiction that a contrary result is necessary in order for this Ordinance to have any meaning whatsoever.

Section 4. This ordinance shall take effect upon its passage after the second reading.

Section 5. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 10<sup>th</sup> day of June, 2002.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 24<sup>th</sup> day of June, 2002.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 10, 2002

**SUBJECT:** Councillor's Bill No. 26 re Supplemental Appropriation for Faversham Park

**Prepared By:** Brad Chronowski, Landscape Architect II

**Recommended City Council Action**

Pass Councillor's Bill No. 26 on first reading, appropriating \$81,000 for Faversham Park Improvements into the General Capital Improvement Fund, increasing the total project budget to \$281,000.

**Summary Statement**

- Jefferson County Open Space provides grant money in Jefferson County to assist municipalities with park capital improvements through the Joint Venture Grant Program.
- City of Westminster Resolution No. 74, adopted on December 10, 2001, authorized Staff to pursue a grant from Jefferson County for improvements at Faversham Park.
- The Jefferson County Board of Commissioners awarded the City of Westminster \$81,000 toward improvements at Faversham Park on February 26, 2002, through the Joint Venture Grant Program.
- The Parks, Recreation and Libraries Department has budgeted \$200,000 in 2002 for capital improvements at Faversham Park.
- The \$200,000 budget for Faversham Park has been designated as matching funds for this joint venture project.
- Construction for the improvements will begin in 2002.

**Expenditure Required:** \$ 81,000

**Source of Funds:** Jefferson County Joint Venture Grant

**Policy Issues**

- Does City Council wish to proceed with increased improvements to Faversham Park?
- Should the City increase the General Capital Improvement Fund budget by \$81,000 by appropriating funds for Faversham Park and accept a grant of equal amount from Jefferson County Open Space?

**Alternative**

City Council could choose not to accept the grant from Jefferson County Open Space and continue with improvements to Faversham Park with the current budget of \$200,000. Staff recommends, however, that the opportunity be taken to increase the project scope without increasing the City's funding allocations. Utilization of grant money for this project would significantly enhance the project scope and allow for an increase in service at Faversham Park.

**Background Information**

The Department of Parks, Recreation and Libraries has been successful in receiving and implementing grants from Jefferson County Open Space. In recent years, the City has been awarded \$675,000 from Jefferson County Open Space through the Joint Venture program for recreation capital improvement projects. These projects include Promenade Terrace, City Park, West View Recreation Center and Countryside Little League Fields.

At Faversham Park, the Department of Parks, Recreation and Libraries intends to expand the scope of the project by including the following amenities: additional trails, expanded parking, and a picnic shelter. Application of an \$81,000 Jefferson County Open Space grant would increase the project budget from \$200,000 to \$281,000 in 2002.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **26**

SERIES OF 2002

INTRODUCED BY COUNCILORS

A BILL

FOR AN ORDINANCE INCREASING THE 2002 BUDGET OF THE GENERAL CAPITAL IMPROVEMENTS FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2002 ESTIMATED REVENUES IN THE FUND

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2002 appropriation for the General Capital Improvements Fund, initially appropriated by Ordinance 2913 in the amount of \$10,305,000 is hereby increased by \$81,000, when added to the fund balance as of the City Council action on June 10, 2002, will equal \$15,060,113. The actual amount in the General Capital Improvements Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of a Jefferson County Joint Venture grant for the improvements at Faversham Park.

Section 2. The \$81,000 increase in the General Capital Improvements Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

<u>Description</u>	<u>Current Budget</u>	<u>\$ Increase</u>	<u>Final Budget</u>
<u>REVENUES</u>			
County Open Space Grants-Jefferson 7501.40630.0020	\$0	<u>\$81,000</u>	\$81,000
Total Revenues		<u>\$81,000</u>	
<u>EXPENSES</u>			
Faversham Park 80275050513.80400.8888	\$200,000	<u>\$81,000</u>	\$281,000
Total Expenses		<u>\$81,000</u>	

Section 3. Severability. The provisions of this Ordinance shall be considered as severable. If any section, paragraph, clause, word, or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part shall be deemed as severed from this Ordinance. The invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect the construction or enforceability of any of the remaining provisions, unless it is determined by a court of competent jurisdiction that a contrary result is necessary in order for this Ordinance to have any meaning whatsoever.

Section 4. This ordinance shall take effect upon its passage after the second reading.

Section 5. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 10th day of June, 2002.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 24<sup>th</sup> day of June, 2002.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 10, 2002

**SUBJECT:** Resolution No. 34 re Ambulance Fee Schedule

**Prepared By:** Steven M. Pacifico, Deputy Chief of Administration

**Recommended City Council Action:**

Adopt Resolution No. 34 establishing the new ambulance fee schedule and authorize the City Manager to adjust rates up to 10% annually.

**Summary Statement**

Staff completed and presented to City Council on May 20, 2002, a survey of ambulance fees in the Metro Denver area. A copy of the Staff Report used in this presentation is attached. As a result of this presentation, Council directed Staff to process a mid-range increase in the ambulance fee schedule that maintains Westminster ambulance fees at approximately the metro area average. Approval of this mid-range increase will maintain the user fee philosophy adopted by City Council in 1991 when the City started ambulance operations. These ambulance user fees are used to offset the costs for the provision of emergency medical services. A comparison of the current and proposed ambulance fees is as follows:

<u>Service</u>	<u>Current</u>	<u>Proposed</u>
Basic Life Support Care	\$400	\$435
Advanced Life Support Care	\$450	\$530
Mileage Charge	\$9.00	\$9.50
Oxygen Charge	\$40	\$43
Ortho/Spinal Immobilization Fee	\$50	\$50
Standby/Assist Helicopter	\$35	\$35
Care Rendered/No Transport	\$75	\$75

**Expenditure Required:** \$0

**Source of Funds:** N/A

**Policy Issue(s)**

Current City Council policy is that the ambulance operation provided by the Westminster Fire Department will be funded in a large part by user fees. Additionally, previous policy has directed Staff to survey and maintain an ambulance fee schedule equal to the Denver metro area average of the other ambulance providers.

City Council is asked to affirm the policy of a user fee based ambulance operation and the maintenance of an ambulance fee structure equal to the Denver metro area average.

**Background Information**

The proposed fee increase for ambulance services will bring the City's rates in line with the metro Denver area average, resulting in an estimated revenue increase of \$101,508 for 2002. Projected annual ambulance revenues for 2002 is estimated to be \$1,627,944 with the approval of the new fee structure and projected ambulance transport activity. The annual revenue projection is based on a 70 percent collection rate for ambulance services billed. This collection rate exceeds the average metro area collection rate of between 60-65 percent.

The proposed ambulance fee increase does not impact on the Westy Med ambulance membership program provided for Westminster residents. The single and family membership price for this program will remain at \$15 and \$30 respectfully.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment(s)

## RESOLUTION

RESOLUTION NO. **34**

INTRODUCED BY COUNCILLORS

SERIES OF 2002

WHEREAS, the Westminster Fire Department staffs and operates an advanced life support ambulance transport service; and

WHEREAS, in 2000 the City adopted a fee schedule after review of the metro area ambulance fee structures was completed; and

WHEREAS, City Council has directed staff to develop and maintain an ambulance membership program as a means to provide City residents preferential treatment with regard to ambulance billing; and

WHEREAS, the City's needs and philosophies in establishing an ambulance fee structure have been identified; and

WHEREAS, City Staff has completed another review of the metro area ambulance fee structures in 2002.

NOW, THEREFORE, be it resolved by the City Council of the City of Westminster, that:

1. Residents and non residents shall be billed according to an itemized rate structure for all emergency medical calls where a Westminster Fire Department ambulance is used to transport a patient to a hospital as follows: \$435 for Basic Life Support (BLS) level care or \$530 for Advanced Life Support (ALS) care; \$9.50 per mile or portion of a mile transported; \$43 for oxygen therapy if received; \$50 for ortho/spinal immobilization if received; and the cost of disposable medical supplies that cannot be replaced at the destination hospital. If active ALS resuscitative efforts are undertaken that are ceased by a base station physician order and the patient is not transported, the patient shall be assessed only the charge for ALS care.
2. On emergency calls where the Fire Department is required to assist or stand by for emergency helicopter transportation of the patient or client, a \$35 charge shall be assessed.
3. On emergency calls where advanced medical procedures are performed and the patient, patient's family or guardian then refuses ambulance transport to an area hospital, a \$75 charge shall be assessed.
4. If more than one patient is transported to a hospital by the Westminster Fire Department ambulance, all patients shall be assessed individually according to the fee structure listed above.
5. The Finance Director and the Fire Chief in mutual agreement may allow exceptions to this fee structure and forgive portions of an ambulance bill based solely on the documented ability to pay of the person responsible for paying the ambulance bill.
6. Uncollected portions of ambulance bills that are more than 60 days past due shall be subject to the following collection measure:
  - > Consignment to an outside collection agency.
7. The City may enter into contractual agreements with health care insurance provider organizations that set different rates than those listed above. Such agreements shall conform to all insurance laws and regulations recognized by the State of Colorado.



8. A City ambulance membership program (Westminster MED) shall be continued. The annual membership fee shall be \$15 for an individual and \$30 for a family. The annual fee shall represent the pre-payment of the uninsured portion of any City ambulance transport bill for an emergency medical condition. The City shall retain the right to bill and expect payment of benefits covered by the individual's insurance companies.

9. The City Manager shall have the authority to adjust ambulance fees up to 10% annually to address market conditions and/or operating costs.

Passed and adopted this 10th day of June 2002.

ATTEST:

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Mayor

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City Clerk



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 10, 2002

**SUBJECT:** Councillor's Bill No. 27 re 2002 Water Tap Fees and Waste of Water  
Councillor's Bill No. 28 re 2002 Wastewater Tap Fees

**Prepared By:** Stu Feinglas, Water Resources Analyst  
Bob Krugmire, Water Resources Engineer  
Kelly DiNatale, Water Resources and Treatment Manager

**Recommended City Council Action**

- Pass Councillor's Bill No. 27 on first reading implementing the 2002 modifications to the City Code regarding water tap fees and the introduction of language addressing waste of water.
- Pass Councillor's Bill No. 28 on first reading implementing the 2002 modifications to the City Code regarding wastewater tap fees.

**Summary Statement**

- In May 2001, Council was briefed on potential modifications to the water tap fee calculation process and associated Municipal Code sections in response to research showing that current Industrial, Commercial, and Irrigation (ICI) tap fees do not recover the actual cost of raw water acquisitions, treatment costs, or delivery and storage. In contrast, residential tap fees have been established that ensure recovery of 100% of the capital costs.
- Revisions to the existing tap fee calculations would attempt to provide an equitable solution by using historical consumption in future tap size and fee calculations. An initial 80% cost recovery rate would increase to 100% within two years.
- Modification of the sewer tap fee process, and associated Municipal Code sections, is also being recommended based on current process inequities. Proposed revisions will reflect current research and current Metro Wastewater Reclamation District charges to Westminster for tap fees in the Metro service sewer area of the City, generally south of 92<sup>nd</sup> Avenue.
- Sewer services in Westminster are provided by both Metro and the City, depending on the basin drainage area served. The proposed restructure of the sewer tap fee components will also allow for the independent adjustment of the City or Metro portions.
- Water is a limited and precious resource in Colorado. While Westminster's supplies are adequate, the City will never have enough water to waste. The proposed Waste of Water ordinance would prohibit several of the most common wasteful practices.
- The ordinance focus is on customer education, though punitive measures and compliance timeframes are available for use when necessary.
- As Westminster exists in a semi-arid climate, and the potential for drought is always present, it is recommended that an ordinance be in place to address abuse, if needed.
- Similar ordinances are in effect in Arvada, Aurora, and Broomfield.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

**Policy Issues**

Should the City of Westminster revise the tap fee structure and calculation process so that Industrial, Commercial and Irrigation tap fees are based on water demand calculations and tap size rather than only on the tap size purchased?

Should the City of Westminster strive for an 80% cost recovery rate from the Industrial, Commercial, and Irrigation (ICI) customer class? Should the cost recovery be phased in to achieve 100% recovery over a period of two years?

Should the City of Westminster modify the sewer tap fee calculation process in such a way as to insure collection of the full Metro Wastewater Reclamation District (Metro) tap fee assessment and allow for the independent adjustment of City and Metro fees in the future?

Should the City of Westminster include in its Municipal Code, an ordinance to prohibit the wasteful use of water?

**Alternatives**

The City of Westminster currently recovers approximately 58% of the capital costs associated with ICI tap fees. If the current tap fee structure for ICI users remains unchanged, the City of Westminster will under-recover over \$14 million in future ICI water tap fee revenue. The alternative to achieving a higher cost recovery would be to recover the lost revenue through increased water rates or reduce future expenditures below projected levels, which may impact customer service, quality and regulatory compliance.

Application of an increasing rate of cost recovery, starting at 80% cost recovery and culminating in a 100% recovery rate within two years is designed to minimize the immediate financial impact to the ICI community. An alternative would be to implement the new tap fees at a 100% recovery rate. Implementation of cost recovery at 100% would result in tap fees for the City of Westminster being lower only than Broomfield in most categories. Another alternative would be to delay the implementation of the 100% cost recovery rate for another year or two to give the ICI community more time to adjust to this cost increase.

The disparity between current Metro assessments for sewer taps and current Westminster sewer tap fees increase as the water meter size (the basis for sewer tap fees) increases resulting in a non-residential sewer tap fee recovery rate of significantly less than 100%. A residential sewer tap fee disparity exists for multi-unit housing due to the definition of a living unit. The alternative would be to maintain the current Westminster sewer tap fee calculation process, which would result in the under-recovery of Metro sewer tap assessments. Lost revenue would be recovered through increased sewer rates or reduced expenditures.

Currently, customer's use of water is not restricted in any way, including obvious wasteful practices. An alternative to the approval of an ordinance to prohibit the wasteful use of water would be to take no action and continue the current practice of education only.

**Background Information**

**Water Tap Fee Calculation Process**

Currently tap fees are comprised of three charges: the water resources charge, the treated water investment charge, and the connection charge. The water resources charge of \$5,143 per service commitment is based on the average single-family detached consumption of 140,000 gallons per year. This finances the acquisition of raw water rights and the participation in raw water delivery and storage systems. The treated water investment charge of \$4,144 per service commitment is based on the single-family detached peak day usage of 1,550 gallons. It funds water treatment, pumping, treated water storage, and transmission costs.

The connection charge covers the physical connection to the City's water system (tapping the water line and installing water meter and pit, etc.) and varies with the meter size. The base water resources charge, treated water investment charge, and connection charge currently total \$9,562 per service commitment. Non-residential tap fees are prorated up from the single-family detached, 5/8" x 3/4" meter, tap fee using the American Water Works Association ratios of equivalents for larger meter sizes.

Through research of consumption patterns and actual Westminster customer billing histories it has been discovered that the average non-residential customer in Westminster overuses the annual water allocated to them through the tap size installed by an average of 211%. In Westminster, 64% of non-residential customers overuse their water allotment and the average overuse of that group is 305%. Only about 34% of non-residential customers under-use their water allotment. This research has made City Staff aware of the need to separate the tap size from the water allotment. The proposed calculation process would base the tap size on fixture units, designed to estimate peak demand, required by the building code. The service commitment allocation would be based on specific industry water use averages as determined through local, regional, and national research projects. The service commitment portion of the tap fee related to the annual water allotment is the water resources charge.

Peak daily usage is the factor used to determine the need for, and sizing of, treatment and water transport facilities. These facilities must be sized to meet the highest peak demand required by all system users. The size of the water tap, and or meter, functions as the peak limiting factor within any facility, as only the maximum peak flow can be drawn through a specific tap or meter size. The portion of the tap fee related to potential peak daily use, which is determined by the tap size, is the treated water investment charge.

Irrigation tap fees are currently based solely on the size of the irrigation tap. The 2001 Industrial, Commercial, Irrigation Conservation Study has confirmed that City parks are much more efficient than the typical commercial irrigator. In fact, the study has shown that City parks are irrigating at or near the optimum application rate of 18 gallons per square foot per year. Commercial irrigators are routinely applying 50-300% more water than is necessary. The proposed irrigation tap fee structure would combine the landscaping types into two categories: standard and low water. Tap fees would be based on the landscape category and assessed on a per square foot basis. The standard category would include all standard types of landscaping except low water plants or landscapes applying irrigation technology that would fall into the water-conserving category. This methodology simplifies the irrigation tap fee calculation and assumes that all irrigators strive to reach the optimum application of 18 gallons per square foot for standard landscaping and nine gallons per square foot for low water landscaping, per year.

Industrial Commercial and Irrigation tap fees would be implemented at an 80% cost recovery rate, increasing to 100% within two years.

Staff is recommending including language in the ordinance to authorize the City Manager or his designee to reduce tap fees for City projects under specific circumstances.

#### **Evaluation Of Customer Demand Patterns and Annual Consumption**

Current sections of the code require reevaluation of tap and meter sizes as well as resource fees upon a change of use for an existing tap. The issue of reevaluating tap and meter sizes as well as resource fees for customers whose use patterns change yet the use type remains the same, will be considered in the 2003 rate ordinance modifications. Research will be undertaken to evaluate various rate scenarios designed to recoup resource overuse.

The City of Broomfield currently employs a consumption based tap fee structure similar to the one proposed for Westminster. The City of Broomfield requests that developers submit a consumption estimate for review. After the consumption has been verified, the developer is assigned Tap Equivalents (T.E.), which roughly equates to the City of Westminster's service commitments. The developer is then assessed a tap fee based on those tap equivalents at the rate of \$16,275 per T.E. In addition to the consumption based tap fee structure, Broomfield has instituted a policy to automatically review consumption histories whenever a developer or customer seeks to alter the original structure or proposes a new project.

If the business has surpassed the volume allocated by the T.E., the business can be assessed the difference. Broomfield has employed their consumption based tap fee structure for ten years and has had success promoting their tap fee structure as a type of “mini water right.” Both the cities of Arvada and Thornton still use plumbing code and fixture counts to calculate tap size and fees. However, Arvada, Aurora, and Denver have separate irrigation charges assessed on a per square foot basis. The City of Thornton will soon begin reviewing their tap fee structure and is quite interested in Westminster’s actions.

**Sewer Tap Fee Calculation Process**

The Metro Wastewater Reclamation District (Metro) performs studies on the relationship between water tap size and usage about every five years. These studies help Metro constantly refine their tap fee allocation process. As a result of recent studies, Metro changed the service commitment allotments for non-residential tap size and residential type. The Little Dry Creek drainage portion of Westminster, south of 92<sup>nd</sup> Avenue, is serviced by Metro. While sewer tap fees in this area are collected by Westminster based on the Westminster tap fee ordinance, Westminster is obligated to pay the Metro assessments based on the Metro calculation process.

The proposed changes in the Westminster sewer tap fee calculation process would accomplish two objectives. The first objective is to adjust the sewer service commitments associated with each tap size to match the Metro service commitments. This would insure that the City collects the appropriate fee for payment of the Metro assessment. The second objective would disconnect the Metro fee from fees associated with the Westminster sewer transport system paid by all Westminster residents, and sewer tap fees paid to Westminster by customers serviced by the Westminster Big Dry Creek Wastewater Treatment Facility. The cities of Arvada, Aurora, Thornton, Denver, and East Cherry Creek all use the Metro service commitment allocations in their sewer tap fee calculation process. Not all cities surrounding Westminster are within the Metro system service area. Westminster is the only city with portions served by both its own municipal facilities in addition to Metro facilities.

**Waste of Water Ordinance**

Considerable planning and financial resources have been committed by Westminster to assure a safe and adequate water supply. Though supplies are sized for current and future needs, being located in a high desert environment, Westminster will never have enough water to waste. There is currently no ordinance within the City of Westminster Municipal Code to require the responsible use of water resources.

The proposed ordinance would address some of the most common misuses of water. The ordinance focus would be towards the education of customers rather than a punitive approach. First time offenders would be issued a warning with specific recommendations for improvement. A second violation within one year would result in the assessment of a \$50 charge on the customers water account. A third or additional violation within one year would result in a \$100 assessment on the customers water account. All warnings and violations will be subject to a 30 day compliance timeframe. Most cities rarely see customers advance beyond the warning stage.

As the prospect of a regional drought always exists, it would be prudent to have in effect disincentives for the waste of Westminster’s water resources. Further, even without the prospect of a drought, misuse of water increases the need for the City to oversize treatment plants and facilities, and purchase unnecessary water resources. The Municipal Code already has several specific actions required upon an official drought declaration.

Waste of water ordinances are currently in effect in the cities of Arvada, Aurora, and Broomfield.

Respectfully submitted,

J. Brent McFall, City Manager  
Attachments

ORDINANCE NO.

COUNCILLOR'S BILL NO. **27**

SERIES OF 2002

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE MODIFYING THE DETERMINATION OF WATER TAP FEES AND ASSOCIATED FEES AS WELL AS THE INTRODUCTION OF A WASTE OF WATER SECTION

WHEREAS, the City of Westminster operates a water and wastewater enterprise utility; and

WHEREAS, the City Charter requires that the utility be self-supporting; and

WHEREAS, costs to operate the Water and Wastewater Utility have increased; and

WHEREAS, research has shown that the current method of tap fee determination does not fully recapture costs associated with the acquisition, delivery, treatment and post-consumer treatment of water resources; and

WHEREAS, since the Utility is operated as an enterprise exempt from the TABOR amendment, the City Council may set the rates to adequately fund the operation of the enterprise; and

WHEREAS, the City wishes to equitably allocate the costs of new development and associated facilities; and

WHEREAS, the City wishes to encourage the conservation of its water resources.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Title VIII, Chapter 7, Section 1, Subsection (H), Subsection (L) and Subsection (P), Westminster Municipal Code, are hereby added and Sections (I) through (O) are re-lettered as follows:

(H) MULTI FAMILY: ANY RESIDENTIAL HOUSING OTHER THAN SINGLE-FAMILY DETACHED OR SINGLE FAMILY ATTACHED.

(~~H~~I) RESIDENTIAL IRRIGATION, APARTMENT, TOWNHOME/CONDO, PUBLIC/QUASI-PUBLIC USERS: Class of water user that includes homeowner's associations, townhouses (four units or more) and condominiums with water meters, apartments (four units or more) City facilities, other public agencies including special districts formed under Colorado Law, schools and churches.

(~~I~~J) SERVICE COMMITMENT: The average water service provided to one single family detached dwelling unit.

(~~J~~K) SERVICE PIPE: A branch pipe with its fittings and connections through which water is taken.

(L) SINGLE FAMILY ATTACHED: A SINGLE DWELLING UNIT CONTAINED IN A FREE-STANDING STRUCTURE WHICH HAS PARTY WALLS WITH OTHER STRUCTURES.

(~~K~~M) SINGLE-FAMILY DETACHED: A single dwelling unit contained in a free-standing structure which has no party walls with other structures.

(~~L~~N) STREET: Any street, avenue, alley, lane or other thoroughfare.

(~~M~~O) TAP: An opening or connection in the mains through which water is taken.

(P) CITY MANAGER: MEANS THE MANAGER OF THE CITY OF WESTMINSTER, ADAMS AND JEFFERSON COUNTIES, COLORADO, OR HIS DESIGNEE.

Section 2. Title VIII, Chapter 7, Section 2, Subsection (C), Westminster Municipal Code, is hereby amended as follows:

(C) Payment of the tap fee shall be made no earlier than the date upon which a building permit is issued and no later than ~~the date upon which the certificate of occupancy for the property connecting to the City water system is issued~~ A DATE PRIOR TO THE WATER METER INSTALLATION. In any event, payment of such fee shall be a prerequisite to the issuance of a certificate of occupancy, the amount of such fee shall be calculated according to the fee schedule in effect at the time payment is made.

Section 3. Title VIII, Chapter 7, Section 2, Subsection (E), Westminster Municipal Code, is hereby amended as follows:

(E) Where any unit currently having a water tap is demolished, and a building permit for reconstruction purposes ON THE SAME PARCEL is issued within one year of the date of demolition, AND THE RECONSTRUCTED UNIT MAINTAINS THE SAME WATER USE PATTERNS OF THE PRE-EXISTING UNIT, no new tap fee shall be required and the new unit shall be regarded as being served by the tap in service prior to demolition of the unit. Failure to satisfy the above criteria shall constitute an abandonment of the water tap and the service commitment and any subsequent construction shall be done in conformance with the City Code of the City.

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Section 4. Title VIII, Chapter 7, Section 2, Subsection (F), Westminster Municipal Code, is hereby amended as follows:

(F) ~~Where any~~ ANY unit ~~currently~~ having a water tap METER is ~~vacant~~ NOT REGISTERING USAGE, AND FOR WHICH PAYMENT OF THE MONTHLY METER CHARGE HAS NOT BEEN MADE, for more than thirty-six (36) consecutive months, ~~it~~ shall constitute an abandonment of the ASSOCIATED water tap and service commitments and the meter shall be removed by the City. NOTIFICATION OF THE EFFECTIVE DATE OF THE ABANDONMENT OF THE WATER TAP SHALL BE MAILED TO THE LAST KNOWN ADDRESS OF THE PROPERTY OWNER OR MANAGER. Any subsequent occupation of that unit shall be done in conformance with the City Code of the City of Westminster.

Section 5. Title VIII, Chapter 7, Section 2, Subsection (G), Westminster Municipal Code, is hereby added as follows:

(G) AN ACCOUNT MAY BE DECLARED INACTIVE IF A REQUEST IS MADE IN WRITING BY THE CUSTOMER TO THE CITY. UPON BEING DECLARED INACTIVE, THE CITY SHALL REMOVE THE WATER METER. INACTIVE ACCOUNTS WILL NOT ACCRUE MONTHLY FEES. THE CUSTOMER SHALL HAVE 36 MONTHS TO REACTIVATE THEIR ACCOUNT, AT WHICH TIME THE METER SHALL BE REINSTALLED AND THE CUSTOMER SHALL PAY THE CURRENT APPLICABLE CONNECTION FEE. IN THE EVENT THE ACCOUNT IS NOT RETURNED TO ACTIVE STATUS WITHIN 36 MONTHS, SECTION 8-7-2(F) SHALL APPLY.

Section 6. Title VIII, Chapter 7, Section 3, Subsection (A)(1), Westminster Municipal Code, is hereby amended as follows:

1. Water Resources FEE, being the share of the cost to provide adequate raw water supply to be utilized by the tap;

Section 7. Title VIII, Chapter 7, Section 3, New Subsection (A)(2), Westminster Municipal Code, is hereby added as follows:

2. TREATED WATER INVESTMENT FEE, BEING THE SHARE OF THE UTILITY SYSTEM RELATED TO TREATING AND DISTRIBUTING WATER TO BE UTILIZED BY THE TAP;

Section 8. Title VIII, Chapter 7, Section 3, Subsection (A)(2), Westminster Municipal Code, is hereby renumbered and amended as follows:

23. Connection FEE, being the actual City cost for ~~making a~~ INSTALLATION OF A 5/8 x 3/4 inch meter or a 3/4 inch meter with electronic remote readout device, when applicable; inspection of the tap, service line and meter pit installation; meter testing ~~and installation~~, when applicable; account and billing activation and other administrative procedures. A Connection Charge shall be assessed for each tap and meter;

Section 9. Title VIII, Chapter 7, Section 3, Subsection (A)(3), Westminster Municipal Code, is hereby amended as follows:

~~3. Treated water investment, being the share of the utility system related to treating and distributing water to be utilized by the tap;~~

Section 10. Title VIII, Chapter 7, Section 3, Subsection (A)(4), Westminster Municipal Code, is hereby amended as follows:

4. Fire Demand FEE, being that charge for the benefit of fire protection.

Deleted: ¶

Section 11. Title VIII, Chapter 7, Section 3, Subsection (A)(5), Westminster Municipal Code, is hereby amended as follows:

5. Water taps, WATER TAP LINES, ~~service lines~~, and meters for the same service shall normally be the same size UNLESS OTHERWISE APPROVED AND/OR REQUIRED BY THE CITY. If the tap and meter are of different sizes, the fee shall be paid for the larger, UNLESS A LARGER TAP IS APPROVED AND/OR REQUIRED BY THE CITY IN WHICH CASE THE FEE FOR THE METER SIZE SHALL BE PAID. ~~If more than one tap and/or meter are required for one service by the Director of Community Development, solely for the purpose of fire service safety, the fee shall be based on the size of the tap/meter being used for domestic purposes.~~ Water taps cannot be issued prior to building and/or tap entitlement approval. Exceptions must be approved by the City Manager; i.e., conversion from well to the City water system.

Section 12. Title VIII, Chapter 7, Section 3, Subsection (A)(6), Westminster Municipal Code, is hereby added as follows:

6. BEGINNING ON JULY 1, 2002 AND ON APRIL 1<sup>ST</sup> OF EACH YEAR THEREAFTER, THE TAP FEES, INCLUDING THE WATER RESOURCES CHARGE, THE TREATED WATER INVESTMENT CHARGE, THE FIRE PROTECTION CHARGE AND THE CONNECTION CHARGE, SHALL BE AUTOMATICALLY INCREASED IN ACCORDANCE WITH THE CONSUMER PRICE INDEX (CPI) FOR THE PREVIOUS CALENDAR YEAR AS ESTABLISHED FOR THE DENVER METROPOLITAN AREA. CONNECTION CHARGES MAY ALSO BE ADJUSTED SEPARATELY TO REFLECT THE FULL COST TO THE CITY.

Section 13. Title VIII, Chapter 7, Section 3, Subsection (B), Westminster Municipal Code, is hereby amended as follows:

(B) Residential Fee Schedule: The Residential water tap fee is based on a 5/8 x 3/4 inch meter and is assessed on a per dwelling unit basis as determined by the ratio of water usage of various dwelling unit types to single-family detached dwelling units.

The ~~following~~ water tap fee schedule shall be in effect for all RESIDENTIAL tap fee payments made ~~on or after March 1, 1999~~ ON OR AFTER JULY 1, 2002 pursuant to Section 8-7-2(C).



Residential Connection	SC	Water Resources	Treated Water	Total Per DU	Connection Charge Per Tap
Single Family Detached	1.0	\$4,680	\$3,770	\$8,450	\$250
Mobile Home Space	1.0	\$4,680	\$3,770	\$8,450	\$ *
<10 DU per net acre	0.7	\$3,276	\$2,639	\$5,915	\$ *
>10 DU and <24 per net acre	0.5	\$2,340	\$1,885	\$4,225	\$ *
≥24 DU per net acre	0.4	\$1,872	\$1,508	\$3,880	\$ *
Elderly Housing	0.35	\$1,638	\$1,320	\$2,958	\$ *

Connection Charge is based on the installed meter size, and assessed on a per tap basis in accordance with the Connection Charge contained in Section 8-7-3(C).

THE RESIDENTIAL TAP FEES SHALL BE CALCULATED BY APPLYING THE RESPECTIVE SERVICE COMMITMENT FACTOR TO BOTH THE WATER RESOURCES FEE AND THE TREATED WATER INVESTMENT FEE ON A PER UNIT BASIS PLUS THE APPLICABLE CONNECTION FEE BASED UPON METER SIZE ON A PER METER BASIS PLUS ANY APPLICABLE FIRE PROTECTION CHARGE.

BASE WATER TAP FEES ARE AS FOLLOWS:

WATER RESOURCES CHARGE	\$5,143.00
TREATED WATER INVESTMENT CHARGE	\$4,144.00
FIRE PROTECTION CHARGE	\$156.00
CONNECTION CHARGE	CONNECTION CHARGE IS BASED ON INSTALLED METER SIZE (SEE BELOW), AND ASSESSED ON A PER TAP BASIS IN ACCORDANCE WITH THE CONNECTION CHARGE CONTAINED IN SECTION 8-7-3(C). SUCH FEE MAY BE PERIODICALLY ADJUSTED BY THE CITY MANAGER TO REFLECT CURRENT COSTS.

RESIDENTIAL CONNECTION	SINGLE FAMILY DETACHED	MOBILE HOME SPACE	<10 DU PER NET ACRE	≥10 DU AND <24 DU PER NET ACRE	≥24 DU PER NET ACRE	ELDERLY HOUSING
SC FACTOR	1.0	1.0	0.7	0.5	0.4	0.35

~~Beginning on March 1, 2000, and on March 1st of each year thereafter, the tap fees contained in this paragraph shall be automatically increased in accordance with the Consumer Price Index (CPI) for the previous calendar year as established for the Denver Metropolitan Area.~~

Tap fees for irrigation of right-of-way, medians, open space, greenbelt, and private park areas are NOT included in the individual unit water tap fee listed above for ~~single family attached~~ RESIDENTIAL and ~~multi family developments~~. TAP FEES FOR IRRIGATED AREAS IMMEDIATELY ADJACENT TO SINGLE-FAMILY ATTACHED AND MULTI-FAMILY BUILDINGS ARE INCLUDED IN THE INDIVIDUAL UNIT TAP FEE LISTED ABOVE.

SEPARATE IRRIGATION WATER TAPS AND METERS SHALL BE REQUIRED FOR ALL RESIDENTIAL DEVELOPMENTS OTHER THAN SINGLE-FAMILY DETACHED LOTS. IN ANY INSTANCE WHERE A SEPARATE WATER TAP IS REQUIRED AND WHERE THE ASSOCIATED TAP FEE IS INCLUDED IN THE INDIVIDUAL UNIT WATER TAP FEE, THE CUSTOMER SHALL ONLY PAY THE ASSOCIATED CONNECTION CHARGE.

IRRIGATION TAP FEES ARE REQUIRED BASED ON THE AREA AND TYPE OF LANDSCAPING. LANDSCAPE TYPES ARE DEFINED AS EITHER STANDARD OR LOW-WATER. Tap fees for clubhouses, swimming pools, and other recreation or accessory uses in ~~single family attached and multi-family~~ ANY RESIDENTIAL development are not included in the individual unit water tap fees listed above. Tap fees for these uses, AND SEPARATE IRRIGATION TAPS shall be calculated ~~at the rates listed in paragraph (C), non residential fee schedule, of this section~~ USING THE PROCESS LISTED IN 8-7-3(C), THE NON-RESIDENTIAL TAP FEE PROCESS, OF THIS SECTION.

AN IRRIGATION WATER TAP SHALL BE USED ONLY FOR IRRIGATION PURPOSES. EACH IRRIGATION WATER TAP SHALL BE ASSIGNED A SERVICE ADDRESS AND BILLING ACCOUNT IN THE NAME OF THE PROPERTY OWNER OR MANAGER.

Section 14. Title VIII, Chapter 7, Section 3, Subsection (C), Westminster Municipal Code, is hereby amended as follows:

(C) The following water tap fee CALCULATION METHOD ~~schedule~~ shall be in effect for all NON-RESIDENTIAL tap fee payments made on or after ~~March 1, 1999~~ JULY 1, 2002 pursuant to Section 8-7-2 (C):

METER SIZE (INCHES)	<u>TREATED WATER INVESTMENT SERVICE COMMITMENTS</u>	CONNECTION CHARGE
5/8"	1.0	\$275
3/4"	1.5	\$275
1"	2.5	\$220
1-1/2"	5.0	\$220
2"	8.0	\$275
3"	17.5	\$330
4"	30.0	\$385
6"	62.5	\$440
8"	90	\$495

EACH TAP SHALL HAVE A MINIMUM OF ONE WATER RESOURCE AND TREATED WATER INVESTMENT SERVICE COMMITMENT ASSIGNED EXCEPT AS NOTED IN 8-7-4(C).

TAP FEES FOR IRRIGATION TAPS SHALL BE CALCULATED AS FOLLOWS: \$0.89 PER SQUARE FOOT FOR STANDARD LANDSCAPING REQUIRING AN ANNUAL APPLICATION OF MORE THAN NINE (9) INCHES, AND UP TO EIGHTEEN (18) INCHES OF WATER PER SQUARE FOOT. \$0.45 PER SQUARE FOOT FOR LOW WATER LANDSCAPING REQUIRING AN ANNUAL APPLICATION OF UP TO NINE (9) INCHES OF WATER PER SQUARE FOOT.

Meter Size (Inches)	Service Commitments	Water Resources	Treated Water	Total Tap Fees	Connection Charge Per Tap
<del>5/8 x 3/4</del>	<del>1.0</del>	<del>\$ 4,680</del>	<del>\$ 3,770</del>	<del>\$ 8,450</del>	\$250
<del>3/4</del>	<del>1.5</del>	<del>\$ 7,020</del>	<del>\$ 5,655</del>	<del>\$ 12,675</del>	\$250
<del>1</del>	<del>2.5</del>	<del>\$ 11,700</del>	<del>\$ 9,425</del>	<del>\$ 21,125</del>	\$150
<del>1 1/2</del>	<del>5.0</del>	<del>\$ 23,400</del>	<del>\$ 18,450</del>	<del>\$ 41,850</del>	\$200
<del>2</del>	<del>8.0</del>	<del>\$ 37,400</del>	<del>\$ 30,160</del>	<del>\$ 67,560</del>	\$250
<del>3</del>	<del>17.5</del>	<del>\$ 81,900</del>	<del>\$ 65,975</del>	<del>\$147,460</del>	\$300
<del>4</del>	<del>30.0</del>	<del>\$140,400</del>	<del>\$113,100</del>	<del>\$253,500</del>	\$350
<del>6</del>	<del>62.5</del>	<del>\$292,200</del>	<del>\$235,625</del>	<del>\$527,825</del>	\$400
<del>8</del>	<del>90.0</del>	<del>\$421,200</del>	<del>\$339,300</del>	<del>\$760,500</del>	\$450
<del>10</del>	<del>145.0</del>	<del>\$ _____*</del>	<del>\$ _____*</del>	<del>\$ _____*</del>	<del>\$ _____*</del>
<del>12</del>	<del>215</del>	<del>\$ _____*</del>	<del>\$ _____*</del>	<del>\$ _____*</del>	<del>\$ _____*</del>

\*To be determined by the City Manager at the time of application based on available pressure and flow.

NON-RESIDENTIAL TAP FEES SHALL BE CALCULATED BASED UPON THE ESTIMATED ANNUAL CONSUMPTION, BUSINESS TYPE, AND TAP SIZE REQUIRED AS CALCULATED BY MULTIPLYING THE WATER RESOURCE SERVICE COMMITMENTS BASED ON ANNUAL USAGE AND THE TREATED WATER INVESTMENT SERVICE COMMITMENTS BASED ON METER SIZE USING METHODS AND ESTIMATES DEVELOPED BY THE CITY'S PUBLIC WORKS AND UTILITIES DEPARTMENT, AND ADDING THE CONNECTION CHARGE FOR THE METER SIZE DETERMINED.

THE BASE WATER TAP FEE COMPONENTS SHALL INCLUDE THE WATER RESOURCES FEE, THE TREATED WATER INVESTMENT FEE AND THE CONNECTION FEE. THE BASE WATER RESOURCES FEE AND TREATED WATER INVESTMENT FEE SHALL BE BASED UPON THE COMPONENTS FEES AS SET FOR THE 5/8 X 3/4 INCH SINGLE FAMILY DETACHED RESIDENTIAL TAP FEE. THE CONNECTION FEE SHALL BE BASED ON INSTALLED METER SIZE, AND ASSESSED ON A PER TAP BASIS IN ACCORDANCE WITH THE CONNECTION CHARGE CONTAINED IN 8-7-3(C).

BASE WATER TAP FEES ARE AS FOLLOWS:

WATER RESOURCES CHARGE	\$5,143.00
TREATED WATER INVESTMENT CHARGE	\$4,144.00
FIRE PROTECTION CHARGE	\$156.00
CONNECTION CHARGE	CONNECTION CHARGE IS BASED ON INSTALLED METER SIZE (SEE BELOW), AND ASSESSED ON A PER TAP BASIS IN ACCORDANCE WITH THE CONNECTION CHARGE CONTAINED IN SECTION 8-7-3(C). SUCH FEE MAY BE PERIODICALLY ADJUSTED BY THE CITY MANAGER TO REFLECT CURRENT COSTS.

THE WATER RESOURCES AND TREATED WATER INVESTMENT PORTIONS OF THE TAP FEE MAY BE IMPLEMENTED AT RATES BELOW 100%. THE CONNECTION CHARGE FEE SHALL BE IMPLEMENTED TO COVER 100% OF THE COST TO THE CITY.

THE FOLLOWING SCHEDULE SHALL BE USED TO INCREASE IMPLEMENTATION OF THE TAP FEES TO 100%.

JULY 1, 2002, 80% OF THE TOTAL TAP FEE, EXCEPT FOR THE CONNECTION FEE AND ANY ANNUAL CPI INCREASE TO IMPLEMENTED AT 100%.

APRIL 1, 2003, 90% OF THE TOTAL TAP FEE, EXCEPT FOR THE CONNECTION FEE AND ANY ANNUAL CPI INCREASE TO IMPLEMENTED AT 100%.

APRIL 1, 2004, 100% OF THE TOTAL TAP FEE AND THE CONNECTION FEE AND ANY ANNUAL CPI INCREASE.

THE WATER RESOURCES AND TREATED WATER INVESTMENT PORTIONS OF THE TAP FEE FOR CITY OWNED FACILITIES MAY BE IMPLEMENTED AT RATES BELOW 100% AT THE DIRECTION THE CITY MANAGER OR HIS DESIGNEE.

~~Beginning on March 1, 2000 and on March 1st of each year thereafter, the tap fees contained in this paragraph shall be automatically increased in accordance with the Consumer Price Index (CPI) for the previous calendar year as established for the Denver Metropolitan Area.~~

The City shall review applicant's determination of water tap and meter size, and may adjust water tap fee charges if the projected water use is more than the maximum service commitment for the corresponding meter size listed in this paragraph.

Section 15. Title VIII, Chapter 7, Section 3, Subsection (E), Westminster Municipal Code, is hereby amended as follows:

(E) For any size water tap which is intended to also provide fire protection, a fire protection charge shall be added to the total water tap fee in the amount of one hundred fifty SIX dollars (~~(\$150)~~(\$156). For any size tap that is determined by the City Manager, or his designee, to service only fire protection, the connection charge and plant investment charge shall not be charged and only the one hundred fifty SIX dollar fire protection charge shall be collected. The applicant shall furnish all materials as specified by the City, and all labor and work, including any device required to detect any use of water for purposes other than fire protection.

Section 16. Title VIII, Chapter 7, Section 3, Subsection (F), Westminster Municipal Code, is hereby added as follows:

(F) CONSTRUCTION WATER MUST BE METERED. IF ANY WATER IS REQUIRED THROUGH THE TAP FOR CONSTRUCTION PURPOSES, CONSTRUCTION WATER METERS MUST BE INSTALLED, DEPOSITS COLLECTED AS PER SECTION 8-7-10, AND WATER USAGE BILLED AT COMMERCIAL RATES AS PER 8-7-7(D). IT IS PROHIBITED TO INSTALL ANY BY-PASS OR JUMPER TO PROVIDE WATER SERVICE WITHOUT THE INSTALLATION OF A WATER METER AS PER 8-7-12.

Section 17. Title VIII, Chapter 7, Section 4, Subsection (D), Westminster Municipal Code, is hereby amended as follows:

~~(D) Separate irrigation water taps and meters shall be required for all residential developments other than single family detached.~~ Separate irrigation water taps and meters ~~also~~ shall be required for all non-residential developments if the irrigated area exceeds 40,000 square feet of turf, ~~other high water use landscaping, or combination thereof, as determined by the City Manager.~~ An irrigation water tap shall be used only for irrigation purposes. Each irrigation water tap shall be assigned a service address and billing account in the name of the property owner or manager.

Section 18. Title VIII, Chapter 7, Section 5, Westminster Municipal Code, is hereby amended as follows:

#### 8-7-5 ~~RELOCATION~~ MODIFICATION OF WATER TAPS

(A) Existing water taps may be disconnected and relocated to another location if both the location of the existing tap and the location to which the tap is being moved are under the same ownership, ~~or~~ AND permission for the disconnection and relocation in a written form ~~acceptable to the city~~ is obtained from the ~~property owner from which the tap is being relocated~~ CITY. Disconnection of an existing tap and installation of a relocated tap shall be in accordance with Section 8-7-3 and Section 8-7-4.

If the tap is relocated elsewhere on the same property and applied to the same use, a tap permit and the payment of the connection charge shall be required for the relocation. If the tap is relocated to a different property, or applied to a different use on the same property, a water tap fee in an amount equal to the difference between the CURRENT tap fee ~~paid~~ for the existing tap and the current tap fee for the new tap at the new location AND/OR USE shall be collected.

(B) IF A PARCEL OF LAND HAS AN EXISTING WATER TAP IN SERVICE AND THE PROPOSED LAND USE CHANGE, EXPANSION, OR ALTERATION OF THE EXISTING FACILITIES OR STRUCTURES ON THAT LAND NECESSITATE A TAP LARGER THAN THAT WHICH IS EXISTING, THE PROVISIONS STATED IN 8-7-5 (A) (B) SHALL APPLY.

(1) THE APPLICANT SHALL BE RESPONSIBLE FOR ABANDONING AND REMOVING THE EXISTING SERVICE LINE FROM THE METER TO THE CORPORATION STOP AT THE WATER MAIN. AN APPROPRIATE STREET CUT PERMIT SHALL BE REQUIRED TO ASSURE PROPER INSPECTION AND RECONSTRUCTION.

(2) IN THE EVENT A FIVE-EIGHTHS BY THREE-QUARTER INCH (5/8 X 3/4) OR A THREE-QUARTER INCH (3/4) SERVICE TAP IS REMOVED, RELOCATED, OR ABANDONED, THE WATER METER IS AND SHALL REMAIN THE PROPERTY OF THE CITY. THE OWNER SHALL BE RESPONSIBLE FOR RETURNING THAT METER TO THE CITY.

(3) UPON ISSUANCE OF A TAP PERMIT FOR THE FIRST NEW SERVICE TAP, A TAP FEE CREDIT SHALL BE GIVEN IN AN AMOUNT TO BE CALCULATED BY SUBTRACTING THE COST OF THE CURRENT WATER RESOURCES FEE AND TREATED WATER INVESTMENT FEE OF THE ORIGINAL TAP FROM THE CURRENT VALUE OF THE WATER RESOURCES FEE AND TREATED WATER INVESTMENT FEE OF THE FIRST NEW SERVICE TAP.

(4) THE AMOUNT OF CREDIT SHALL BE FIXED AT THE ISSUANCE OF THE FIRST NEW SERVICE TAP AND MAY BE USED FOR PAYMENT FOR ADDITIONAL SERVICE TAPS THAT ARE USED ON THE SAME PROPERTY.

(5) IN NO INSTANCE SHALL CASH REFUNDS BE GRANTED.

(6) NO CREDIT SHALL BE GIVEN FOR THE CONNECTION FEE OR FIRE DEMAND FEE.

(7) IF ANY TAP IS INSTALLED AND COMPLETED WITHOUT RECEIVING PROPER INSPECTION AND APPROVAL BY THE CITY, NO TAP FEE CREDIT SHALL BE GIVEN.

(8) IF A DEMOLITION OR VACATION OF A UNIT RESULTS IN AN ABANDONMENT OF AN ASSOCIATED WATER TAP AS DEFINED IN 8-7-2(F), NO TAP FEE CREDIT SHALL BE GRANTED AT THE TIME A NEW TAP PERMIT IS ISSUED.

Section 19. Title VIII, Chapter 7, Section 9, Subsection (A), Westminster Municipal Code, is hereby amended as follows:

(A) Statements for the rates and charges for the water service shall be dated and sent out to users at regular intervals. Water meters shall be read within a time frame of 27 to 33 days. In the event a water bill is not paid by the forty fifth day following the date of the bill, the ~~Revenue Administrator, or his delegate~~ CITY MANAGER, OR HIS DESIGNEE, shall be authorized to forthwith disconnect service; and the water so disconnected shall not again be reconnected until the delinquent bill and a disconnect charge for turning the water off and for turning the water on have been paid. The number of turn offs and turn ons for an account accumulate over the most recent twelve month period. The charges for turn offs and turn ons during the twelve month period are as follows:

Section 20. Title VIII, Chapter 7, Section 13, Subsection (H), Westminster Municipal Code, is hereby amended as follows:

(H) If the City Manager finds that any person has failed to comply with any of the requirements of Subsections (C), (D), (E), (F) or (G) of this section, the CITY Manager shall notify the water consumer, owner or possessor of the property by hand delivery or certified mail that he shall be required to comply within fifteen (15) days of the date of delivering or mailing the notice.

Section 21. Title VIII, Chapter 7, Section 23, Subsection (E), Westminster Municipal Code, is hereby amended as follows:

The ~~City Treasurer, or his staff,~~ CITY MANAGER, OR HIS DESIGNEE, may give credit to any utility customer that has been overcharged. ~~The credit must not exceed the intent of this Ordinance.~~ (1032)

Section 22. Title VIII, Chapter 7, Section 24, Subsection (E), Westminster Municipal Code, is hereby amended and renumbered as follows:

(A) In the event of a water shortage or drought emergency that requires the reduction of the use of water from the water utility, the City Manager shall have the authority to immediately require and implement mandatory reductions as he deems necessary for the protection of the public. Such reductions or water restrictions shall be in effect until such time as the City Council or the City Manager removes them.

In the event of a prolonged drought or other water shortage emergency that may require water restrictions or limitations for more than fifteen (15) days, the City Council may adopt by resolution, a long term water conservation plan that may include, but not be limited to, the following:

- ~~(A)~~(1) Limiting lawn watering to certain days of the week or times during the month.
- ~~(B)~~(2) Prohibiting wasteful water use as determined by City Council AND FURTHER DESCRIBED IN 8-7-24(B).
- ~~(C)~~(3) Prohibiting noncommercial car washing and/or sidewalk and driveway washing.
- ~~(D)~~(4) Prohibiting new lawns from being planted or installed.
- ~~(E)~~(5) Rationing the amount of water that can be used by each customer, household and/or business.
- ~~(F)~~(6) Prohibiting any outside irrigation use of water.
- ~~(G)~~(7) Implementing a major public information program on the need to conserve water.
- ~~(H)~~(8) Any other similar restrictions the Council deems necessary.

Section 23. Title VIII, Chapter 7, "Waste of Water," Westminster Municipal Code, is hereby added as follows:

8-7-25: WASTE OF WATER:

(A) WASTE OF WATER IS PROHIBITED. WASTE OF WATER IS DEFINED AS THE INTENTIONAL OR NON-INTENTIONAL USE OF WATER FOR A NON-BENEFICIAL PURPOSE, AND INCLUDES CONTINUOUS APPLICATION OF WATER TO ANY LAWN, TURF, SODDED, OR LANDSCAPED AREA RESULTING IN THE POOLING OR FLOWING OF WATER INTO DRAINAGE OR STORM DRAINAGE FACILITIES, FAILURE TO REPAIR ANY IRRIGATION SYSTEM THAT IS LEAKING, AND THE USE OF HOSES FOR WASHING OF VEHICLES AND OTHER OUTDOOR USES OTHER THAN IRRIGATION, NOT EQUIPPED WITH A SHUTOFF VALVE THAT IS NORMALLY CLOSED AND NECESSITATES HAND PRESSURE ON THE VALVE TO PERMIT THE FLOW OF WATER. NOTWITHSTANDING THE ENFORCEMENT PROVISIONS SET FORTH IN THIS SECTION, THE CITY MANAGER, OR HIS DESIGNEE, MAY ORDER A SHUT OFF OF WATER SERVICE TO A PROPERTY IF THE CITY MANAGER, OR HIS DESIGNEE, REASONABLY FINDS THAT AN EXTREME WASTE OF WATER IS OCCURRING ON THE PREMISES.

(B) THE DIRECTOR OF PUBLIC WORKS AND UTILITIES IS HEREBY AUTHORIZED TO ENFORCE THIS SECTION. THE PERSON BILLED FOR WATER SERVICE TO A PROPERTY, WHETHER OWNER OR OCCUPANT, SHALL BE RESPONSIBLE FOR COMPLIANCE WITH SECTION (A) AND (B), WITHIN 30 DAYS OF THE VIOLATION NOTICE, UNLESS OTHERWISE SPECIFIED BY THE DIRECTOR OF PUBLIC WORKS AND UTILITIES, AND SHALL BE SUBJECT TO THE FOLLOWING ACTIONS AND PENALTIES:

(1) UPON A FIRST VIOLATION, THE PERSON BILLED WILL BE ADVISED IN WRITING OF THE VIOLATION AND ISSUED A WARNING FOR THE VIOLATION. THE WARNING SHALL BE IN EFFECT FOR A PERIOD OF ONE (1) YEAR FROM THE DATE OF ISSUE.

(2) A SECOND VIOLATION WITHIN A ONE (1) YEAR PERIOD SHALL RESULT IN THE PERSON BILLED BEING ADVISED IN WRITING OF THE VIOLATION AND A CHARGE OF \$50.00 WILL BE ADDED TO THE WATER BILL FOR THE PROPERTY. ADVISEMENT SHALL INCLUDE THE PROCEDURE TO SCHEDULE A HEARING IF REQUESTED.

(3) A THIRD OR ADDITIONAL VIOLATION WITHIN A ONE (1) YEAR PERIOD SHALL RESULT IN THE PERSON BILLED BEING ADVISED IN WRITING OF THE VIOLATION AND A CHARGE OF \$100.00 WILL BE ADDED TO THE WATER BILL FOR THE PROPERTY. ADVISEMENT SHALL INCLUDE THE PROCEDURE TO SCHEDULE A HEARING IF REQUESTED. IN ADDITION, THE CITY MANAGER, OR HIS DESIGNEE, MAY ORDER A SUSPENSION OF SERVICE TO THE PROPERTY UNTIL ALL OUTSTANDING FINES ARE PAID. RESTORATION OF SERVICE SHALL OCCUR AS DETAILED IN 8-7-9.

(4) UPON ANY NOTICE(S) OF VIOLATION OF THIS SECTION, A COPY OF SUCH NOTICE SHALL ALSO BE MAILED TO THE OWNER(S) OF THE REAL PROPERTY SERVED, IF THE OWNER'S ADDRESS DIFFERS FROM THE SUBJECT PROPERTY ADDRESS.

(C) IF A HEARING IS REQUESTED IT SHALL BE SCHEDULED AS SOON AS PRACTICAL BEFORE THE CITY MANAGER OR HIS DESIGNEE.

Section 24. Title VIII, Chapter 7, Section 25, Subsection (E), Westminster Municipal Code, is hereby deleted as follows:

~~8-7-25: WATER TAP FEE CREDITS (1251-1311-1788-2126-2634)~~

~~(A) If a parcel of land has an existing water tap in service and a proposed land use change, expansion, or alteration of the existing facilities or structures on that land necessitate a tap larger than that which is existing, the following provisions shall apply:~~

~~1. Upon issuance of the tap permit for the new service tap, a tap fee credit, equal to the current water resources and treated water elements and, when applicable, the fire protection element for the existing tap size as described in Section 8-7-3, shall be granted.~~

~~2. The applicant shall be responsible for abandoning and removing the existing service line from the meter to the corporation stop at the water main. An appropriate street cut permit shall be required to assure proper inspection and reconstruction.~~

~~3. In the event a five eighth by three quarter inch (5/8" x 3/4") or a three quarter inch service tap is removed, relocated, or abandoned, the water meter is and shall remain the property of the City. The owner shall be responsible for returning that meter to the City.~~

~~(B) If a parcel of land has an existing water tap in service and a proposed land use change, expansion, or alteration of the existing facilities or structures on that land will necessitate a tap or taps smaller than that which is existing, credit shall be given as follows:~~

~~1. Upon issuance of the tap permit for the first new service tap, a tap fee credit shall be given in an amount to be calculated by subtracting the cost of the current water resources and treated water elements fee of the small tap from the current value of the water resources and treated water elements fee of the original tap.~~

~~2. The amount of credit shall be fixed at the issuance of the first new service tap and may be used for payment for additional service taps that are used on the same property.~~

~~3. In no instance will refunds be granted.~~

~~4. No credit shall be given for connection charge or the fire protection element.~~

~~(C) If any tap is installed and completed without receiving proper inspection and approval by the City, no tap fee credit shall be given.~~

~~(D) Abandonment. If a demolition or vacation of a unit results in an abandonment of a water tap, no cash refund shall be granted for any taps released from service, and no tap fee credit shall be granted at the time a new tap permit is issued.~~

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED THIS 10th day of June, 2002.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 24th day of June, 2002.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



ORDINANCE NO.

COUNCILLOR'S BILL NO. **28**

SERIES OF 2002

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE MODIFYING THE DETERMINATION OF SEWER TAP FEES AND ASSOCIATED FEES

THE CITY OF WESTMINSTER ORDAINS:

WHEREAS, the City of Westminster operates a water and wastewater enterprise utility; and

WHEREAS, the City Charter requires that the utility be self-supporting; and

WHEREAS, costs to operate the Water and Wastewater Utility have increased; and

WHEREAS, research has shown that the current method of tap fee determination does not fully recapture costs associated with the acquisition, delivery, treatment and post-consumer treatment of water resources; and

WHEREAS, since the Utility is operated as an enterprise exempt from the TABOR amendment, the City Council may set the rates to adequately fund the operation of the enterprise; and

WHEREAS, the City wishes to equitably allocate the costs of new development and associated facilities; and

WHEREAS, the City wishes to encourage the conservation of its water resources.

NOW THEREFORE, be it ordained by the City Council of the City of Westminster as follows:

Section 1. Title VIII, Chapter 8, Section 1, Westminster Municipal Code, is hereby amended by the addition of the following definitions as follows:

TRANSPORT FACILITIES FEE: MEANS THAT PORTION OF THE SEWER TAP FEE INTENDED TO COVER EXPENSES ASSOCIATED WITH THE COLLECTION AND TRANSPORT OF WASTEWATER INCLUDING PIPES, PUMPS, LIFT-STATIONS AND RELATED FACILITIES.

TREATMENT FACILITIES FEE: MEANS THAT PORTION OF THE SEWER TAP FEE INTENDED TO COVER EXPENSES ASSOCIATED WITH THE CITY OF WESTMINSTER TREATMENT FACILITIES.

METRO FACILITIES FEE: MEANS THAT PORTION OF THE SEWER TAP FEE INTENDED TO COVER EXPENSES ASSOCIATED WITH THE METRO WASTEWATER RECLAMATION DISTRICT TREATMENT FACILITIES.

Section 2. Title VIII, Chapter 8, Section 5, Subsection (B), Westminster Municipal Code, is hereby amended as follows:

(B) RATE SCHEDULES:

1. Residential Fee Schedule: Residential sewer tap fees are based on a FIVE-EIGHTHS INCH (5/8") BY three-quarter-inch (3/4") water tap size and assessed on a per-dwelling unit basis equivalent to the ratio of water usage of various dwelling unit types to single-family detached dwelling units. SINGLE FAMILY DETACHED SEWER TAP FEES FOR ANY OTHER WATER METER SIZE SHALL BE BASED ON THE NON-RESIDENTIAL SEWER TAP FEE SCHEDULE PURSUANT TO SECTION 8-8-5(B)(2).

The following RESIDENTIAL sewer tap fee schedule CALCULATION METHOD shall be in effect for all tap fee payments made on or after ~~March 1, 1999~~ JULY 1, 2002 pursuant to Section 8-8-5(C):

Residential Connection	SC	Total Per DU
Single Family Detached	1.0	\$2,200
Mobile Home Space	1.0	\$2,200
<10 DU per net acre	0.7	\$1,540
>10 DU by <24 DU per net acre	0.5	\$1,100
≥24 DU per net acre	0.4	\$ 880
Elderly Housing	0.35	\$ 770

RESIDENTIAL SEWER TAP FEES SHALL BE BASED ON TWO OF THREE COMPONENTS: THE TRANSPORT FACILITIES FEE, AND THE TREATMENT FACILITIES FEE OR THE METRO FACILITIES FEE. THE TRANSPORT FACILITIES FEE SHALL BE CALCULATED AS THE BASE TRANSPORT FACILITIES FEE TIMES THE NUMBER OF UNITS TIMES THE SERVICE COMMITMENT FACTOR ASSOCIATED WITH THE DWELLING TYPE AS DEFINED BELOW:

RESIDENTIAL CONNECTION	SINGLE FAMILY DETACHED	MOBILE HOME SPACE	<10 DU PER NET ACRE	≥10 DU AND <24 DU PER NET ACRE	≥24 DU PER NET ACRE	ELDERLY HOUSING
SC FACTOR	1.0	1.0	0.7	0.5	0.4	0.35

THE TREATMENT FACILITIES FEE SHALL BE CALCULATED AS THE CURRENT BASE TREATMENT FACILITIES FEE TIMES THE NUMBER OF LIVING UNITS. FOR PURPOSES OF THE TREATMENT FACILITIES FEE, EACH LIVING UNIT SHALL HAVE A SERVICE COMMITMENT FACTOR OF 1.0, AS DEFINED BY THE METRO WASTEWATER RECLAMATION DISTRICT.

THE METRO FACILITIES FEE SHALL BE CALCULATED AS THE CURRENT BASE METRO WASTEWATER FEE, AS SAME SHALL BE SET BY THE METRO DISTRICT, TIMES THE NUMBER OF UNITS. FOR PURPOSES OF THE METRO FACILITIES FEE, EACH LIVING UNIT SHALL HAVE A SERVICE COMMITMENT FACTOR OF 1.0, AS DEFINED BY THE METRO WASTEWATER RECLAMATION DISTRICT.

2002 BASE SEWER TAP FEES ARE AS FOLLOWS:

TRANSPORT FACILITIES FEE	\$1,018.00
TREATMENT FACILITIES FEE	\$1,400.00
METRO FACILITIES FEE	\$1,400.00

Beginning on ~~March 1, 2000~~ JULY 1, 2002 and on ~~March~~ APRIL 1st of each year thereafter, the ~~sewer tap fees~~ TRANSPORT FACILITIES FEE ~~contained in this paragraph~~ shall be automatically increased in accordance with the Consumer Price Index (CPI) for the previous calendar year as established for the Denver Metropolitan Area. IN ADDITION, THE TREATMENT FACILITIES FEE SHALL BE ADJUSTED TO REFLECT THE CITY OF WESTMINSTER'S TREATMENT COSTS, AND THE METRO FACILITIES FEE SHALL BE ADJUSTED IN ACCORDANCE WITH ANY CHANGES TO THE BASE METRO WASTEWATER FEE.

Tap fees for clubhouses, swimming pools, and other recreation or accessory uses in single-family detached, single-family attached, and multi-family developments are not included in the individual unit sewer tap fees listed above. Tap fees for these uses shall be calculated at the rates listed in Sub-paragraph 2, non-residential fee schedule, below.

2. Non-Residential Fee Schedule: Non-residential sewer tap fees are based on the SUM OF THE FOLLOWING SERVICE COMMITMENT FACTORS, ASSOCIATED WITH THE size of the water tap(S) used by the building served BY A SINGLE SEWER TAP. The table below determines the appropriate sewer tap fee SERVICE COMMITMENT FACTOR.

Meter Size in Inches	Metro District Service Commitments
5/8 x 3/4	1.0
3/4	1.9
1	4.5
1-1/2	11.0
2	20.0
3	42.0
4	76.0
6, 8, 10, 12	Alternate Calculation Method

THE FOLLOWING SEWER TAP FEE CALCULATION METHOD SHALL BE IN EFFECT FOR ALL NON-RESIDENTIAL TAP FEE PAYMENTS MADE ON OR AFTER JULY 1, 2002 PURSUANT TO SECTION 8-8-5(C):

NON-RESIDENTIAL SEWER TAP FEES SHALL BE BASED ON TWO OF THREE COMPONENTS: TRANSPORT FACILITIES FEE, AND THE TREATMENT FACILITIES FEE OR THE METRO FACILITIES FEE. THE TRANSPORT FACILITIES FEE SHALL BE CALCULATED AS THE BASE TRANSPORT FACILITIES FEE TIMES THE SERVICE COMMITMENT FACTOR ASSOCIATED WITH THE METER SIZE AS DEFINED ABOVE. THE TREATMENT FACILITIES FEE AND THE METRO FACILITIES FEE SHALL BE CALCULATED AS THE BASE TREATMENT FACILITIES FEE OR BASE METRO FACILITIES FEE TIMES THE SERVICE COMMITMENT FACTOR ASSOCIATED WITH THE METER SIZE AS DEFINED ABOVE.

2002 BASE SEWER TAP FEES ARE AS FOLLOWS:

TRANSPORT FACILITIES FEE	\$1,018.00
TREATMENT FACILITIES FEE	\$1,400.00
METRO FACILITIES FEE	\$1,400.00

ALTERNATE CALCULATION METHOD: NEW CONNECTIONS SERVED BY MULTIPLE NEW WATER SERVICE TAPS WITH A COMBINED SERVICE COMMITMENT OF GREATER THAN OR EQUAL TO 205 SHALL HAVE THE NUMBER OF SERVICE COMMITMENTS DETERMINED AS FOR CONNECTIONS WITH SERVICE TAPS 6" OR LARGER.

FOR WATER SERVICE TAPS 6" OR LARGER, THE NUMBER OF SERVICE COMMITMENTS FOR CALCULATING THE SEWER TAP FEE SHALL BE DETERMINED FROM THE FOLLOWING FORMULA:

$$SC's = \frac{\text{Flow} \times F}{225} + \frac{\text{BOD} \times B}{1.576} + \frac{\text{SS} \times S}{1.576} + \frac{\text{TKN} \times T}{0.236}$$

WHERE: FLOW = ESTIMATED FLOW, GPD (PEAK MONTH); BOD = ESTIMATED BOD, LBS/DAY (PEAK MONTH); SS = ESTIMATED SUSPENDED SOLIDS, LBS/DAY (PEAK MONTH); TKN = ESTIMATED TOTAL NITROGEN, LBS/DAY (PEAK MONTH).

AT MINIMUM, THE FOLLOWING VALUES SHALL BE USED IN THE ABOVE FORMULAS:

TAP SIZE	FLOW	BOD	SS	TKN
6"	45,125	323.13	323.13	48.47
8"	74,250	520.17	520.17	78.02
10"	136,125	953.64	953.64	143.05

THE CITY SHALL MAKE THE FINAL DETERMINATION OF THE ESTIMATED FLOW, BOD, SS AND TKN USED TO DETERMINE THE NUMBER OF SERVICE COMMITMENTS FOR EACH NEW CONNECTION, WHICH IS SUBJECT TO THE ABOVE FORMULA.

FOLLOWING ARE THE FRACTIONS USED FOR THE TREATMENT OF FLOW AND LOADINGS, EFFECTIVE JULY 1, 2002: FLOW (F) = 0.5459, BOD (B) = 0.2187, SS (S) = 0.1647, TKN (T) = 0.0707.

~~The following water tap fee schedule shall be in effect for all non-residential tap fee payments made on or after March 1, 1999 pursuant to Section 8-8-5(C):~~

Meter Size Inches	Service Commitments	Total Tap Fee
<del>5/8 x 3/4</del>	<del>1.0</del>	<del>\$ 2,200</del>
<del>3/4</del>	<del>1.5</del>	<del>\$ 3,300</del>
<del>1</del>	<del>2.5</del>	<del>\$ 5,500</del>
<del>1-1/2</del>	<del>5.0</del>	<del>\$ 11,000</del>
<del>2</del>	<del>8.0</del>	<del>\$ 17,600</del>
<del>3</del>	<del>17.5</del>	<del>\$ 38,500</del>
<del>4</del>	<del>30.0</del>	<del>\$ 66,000</del>
<del>6</del>	<del>62.5</del>	<del>\$137,500</del>
<del>8</del>	<del>90.0</del>	<del>\$198,000</del>
<del>10</del>	<del>145.0</del>	<del>\$ _____*</del>
<del>12</del>	<del>215.0</del>	<del>\$ _____*</del>

~~\*To be determined by the City Manager at the time of application.~~

Beginning on ~~March 1, 2000~~ JULY 1, 2002 and on ~~March~~ APRIL 1st of each year thereafter, the ~~sewer tap fees~~ TRANSPORT FACILITIES FEE contained in this paragraph shall be automatically increased in accordance with the Consumer Price Index (CPI) for the previous calendar year as established for the Denver Metropolitan Area. IN ADDITION, THE TREATMENT FACILITIES FEE SHALL BE ADJUSTED TO REFLECT THE CITY OF WESTMINSTER'S TREATMENT COSTS, AND THE METRO FACILITIES FEE SHALL BE ADJUSTED IN ACCORDANCE WITH ANY CHANGES TO THE BASE METRO WASTEWATER FEE.

The City shall review applicant's determination of sewer tap size and may adjust sewer tap fee charges if the projected water use is more than the maximum service commitment for the corresponding water meter size listed in this paragraph.

Section 3. Title VIII, Chapter 8, Section 5, Subsection (C), Westminster Municipal Code, is hereby amended as follows:

(C) Payment of the sewer tap fee shall be made no earlier than the date upon the which application is approved for a building permit and no later than the date upon which the ~~certificate of occupancy~~ WATER METER(S) ARE INSTALLED for the property connecting to the City sewer system. In any event, payment of such fee shall be a prerequisite to the issuance of a certificate of occupancy. The amount of such fee shall be calculated according to the fee schedule in effect at the time payment is made.

Payment of the sewer tap fee for any other installation or construction not requiring issuance of a building permit shall be at the time of sewer tap permit application.

Where additional units are to be served by a sanitary sewer previously installed and currently serving the original units, the service charge for said additional units shall be at the current rates.

Section 4. Title VIII, Chapter 8, Section 15, Westminster Municipal Code, is hereby added as follows:

8-8-15: CHANGE IN WATER USE

ANY CHANGE IN CUSTOMER WATER USE, METER OR TAP SIZE, THAT RESULTS IN AN ADDITIONAL ASSESSMENT TO THE CITY OF METRO WASTEWATER DISTRICT CHARGES SHALL RESULT IN THOSE CHARGES BEING ASSESSED TO THE CUSTOMER BY THE CITY.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED THIS 10TH day of June, 2002.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 24<sup>th</sup> day of June, 2002.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

## Summary of Proceedings

Summary of proceedings of the regular City of Westminster City Council meeting of Monday, June 10, 2002. Present at roll call were Mayor Moss, Mayor Pro-Tem Atchison, Councillors Dittman, Dixon, Hicks, Kauffman, and McNally. Absent None.

The minutes of the May 20, 2002 meeting were approved.

The Government Finance Officers' Association's Certificate of Achievement for Excellence in Financial Reporting was presented to Finance Department employees.

Council approved the following: 2001 Comprehensive Annual Financial Report Acceptance; Custodial Services Contract Amendment; Owner's Representative Contract for Library and Fire Station No. 2 Projects; Replacement of a Utility Van; Change Order for City Hall Plaza Improvements; Standley Lake Renovation Project Award of Construction Bids; East Bay Phase II Development Agreement with Brothers Redevelopment, Inc.

Council reappointed the following persons to the Personnel Board: David Jones, Wesley Underwood; Stacy Worthington; Margaret Rivera, and Betty Whorton.

A public meeting was held on the 2003 and 2004 City Budget.

The following Councillor's Bills were passed on first reading:

A BILL FOR AN ORDINANCE INCREASING THE 2002 BUDGET OF THE GENERAL CAPITAL IMPROVEMENTS FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2002 ESTIMATED REVENUES IN THE FUND purpose: appropriating grant funds for improvements to Walnut Creek Trail

A BILL FOR AN ORDINANCE INCREASING THE 2002 BUDGET OF THE GENERAL CAPITAL IMPROVEMENTS FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2002 ESTIMATED REVENUES IN THE FUND purpose: appropriating grant funds for improvements to Faversham Park

A BILL FOR AN ORDINANCE MODIFYING THE DETERMINATION OF WATER TAP FEES AND ASSOCIATED FEES AS WELL AS THE INTRODUCTION OF A WASTE OF WATER SECTION purpose: 2002 Water Tap Fee increases and penalties for wasting water

A BILL FOR AN ORDINANCE MODIFYING THE DETERMINATION OF SEWER TAP FEES AND ASSOCIATED FEES purpose: 2002 Sewer Tap Fee increases

The following Councillor's Bills were adopted on second reading:

A BILL FOR AN ORDINANCE WAIVING THE UNDERGROUNDING REQUIREMENT FOR THE DELLA VILLA APARTMENTS AT 4195 W. 72<sup>ND</sup> AVENUE

A BILL FOR AN ORDINANCE INCREASING THE 2002 BUDGETS OF THE GENERAL AND GENERAL CAPITAL IMPROVEMENT FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2002 ESTIMATED REVENUES IN THESE FUNDS

The following Resolutions were adopted:

Resolution No. 32 re Council Rules and Amendments

Resolution No. 33 re Reappointments to Personnel Board

Resolution No. 34 re Ambulance Fee Schedule

At 9:22 P.M. the meeting was adjourned.

By order of the Westminster City Council

Michele Kelley, CMC, City Clerk

Published in the Westminster Window on June 20, 2002.

BY AUTHORITY

ORDINANCE NO. **2951**COUNCILLOR'S BILL NO. **23**

SERIES OF 2002

INTRODUCED BY COUNCILLORS

**Dittman-Kauffman**

A BILL

FOR AN ORDINANCE WAIVING THE UNDERGROUNDING REQUIREMENT FOR THE DELLA VILLA APARTMENTS AT 4195 W. 72<sup>ND</sup> AVENUE

WHEREAS, certain architectural and site improvements are proposed by the Adams County Housing Authority for the benefit of the Della Villa Apartment residents; and

WHEREAS, there exist overhead utility lines along the 72<sup>nd</sup> Avenue frontage of Della Villa and extending through the property to service the buildings that must either be placed underground or have the requirement waived by City Council according to Section 11-6-3 (E) of the Westminster Municipal Code; and

WHEREAS, undergrounding of these lines will create a financial hardship for the Housing Authority that may result in a significant reduction of the proposed improvements to the apartment complex, such improvements being beneficial to the residents.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. City Council finds and determines that the public welfare requires the waiver of the requirement to underground overhead utility lines prescribed in Section 11-6-3 (E) of the Westminster Municipal Code.

Section 2. This ordinance shall take effect upon its passage after second reading. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 20<sup>th</sup> day of May, 2002. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 10<sup>th</sup> day of June, 2002.

## BY AUTHORITY

ORDINANCE NO. **2952**COUNCILOR'S BILL NO. **24**

SERIES OF 2002

INTRODUCED BY COUNCILLORS

**Dixon - McNally**

## A BILL

FOR AN ORDINANCE INCREASING THE 2002 BUDGETS OF THE GENERAL AND GENERAL CAPITAL IMPROVEMENT FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2002 ESTIMATED REVENUES IN THESE FUNDS.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2002 appropriation for the General Fund initially appropriated by Ordinance No. 2913 in the amount of \$69,324,181 is hereby increased by \$50,381 which, when added to the fund balance as of the City Council action on May 20, 2002 will equal \$72,642,537. The actual amount in the General Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of various grants, reimbursements, charges for services and sponsorships received by the City.

Section 2. The \$50,381 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

<b>Description</b>	<b>Current Budget</b>	<b>Increase</b>	<b>Final Budget</b>
<b>REVENUES</b>			
Miscellaneous Revenue 1000.43060.0000	\$160,000	\$1,875	\$161,875
Misc – Charges for Services 1000.41460.0000	0	13,072	13,072
Contributions 1000.43100.0000	5,000	31,000	36,000
State Grants 1000.40620.0000	0	3,934	3,934
Other County Grants 1000.40640.0000	0	<u>500</u>	500
Total Change to Revenues		<u>\$50,381</u>	
<b>EXPENSES</b>			
Career Development 10025260.61800.0000	\$24,900	\$1,783	\$26,683
Supplies 10025260.70200.0000	22,000	92	22,092
Salaries – Accounting 10015220.60200.0000	324,088	13,072	337,160
Materials-Library 10050620.71600.0000	367,000	500	367,500
Special Promotions 10030340.67600.0000	33,500	31,000	64,500
Temporary Salaries-Youth Act 10050760.60600.0529	94,900	1,000	95,900
Contractual Services-Youth Act 10050760.67800.0529	24,200	<u>2,934</u>	27,134
Total Change to Expenditures		<u>\$50,381</u>	

Section 3. The 2002 appropriation for the General Capital Improvement Fund, initially appropriated by Ordinance No. 2913 in the amount of \$10,305,000 is hereby increased by \$44,847 which, when added to the fund balance as of the City Council action on May 20, 2002 will equal \$15,023,960. The actual amount in the General Capital Improvement Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of interest earnings on the 2001 Certificates of Participation.



Section 4. The \$44,847 increase in the General Capital Improvement Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

<b>Description</b>	<b>Current Budget</b>	<b>Increase</b>	<b>Final Budget</b>
<b>REVENUES</b>			
Interest Income - 2001 COP's 7500.42520.0215	\$0	<u>\$44,847</u>	44,847
Total Change to Revenues		<u>\$44,847</u>	
<b>EXPENSES</b>			
Public Safety Building 80175020086.80400.8888	\$2,541,512	<u>\$44,847</u>	\$2,586,359
Total Change to Expenditures		<u>\$44,847</u>	

Section 5. – Severability. The provisions of this Ordinance shall be considered as severable. If any section, paragraph, clause, word, or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part shall be deemed as severed from this ordinance. The invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect the construction or enforceability of any of the remaining provisions, unless it is determined by a court of competent jurisdiction that a contrary result is necessary in order for this Ordinance to have any meaning whatsoever.

Section 6. This ordinance shall take effect upon its passage after the second reading.

Section 7. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED AND PUBLISHED this 20<sup>th</sup> day of May, 2002 PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 10<sup>th</sup> day of June, 2002.